

# Journal of the House

## SIXTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, May 7, 2010, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.  
The roll was called with 121 members present.  
Reps. Aurand, Brunk, Hawk and Rhoades were excused on excused absence by the Speaker.  
Present later: Reps. Aurand, Brunk and Hawk.  
Rep. Fund was excused later in the day on verified illness.

Prayer by Chaplain Brubaker:

Dear Lord,  
I am reminded of the words given to Esther  
that she was placed in her royal position  
for such a time as that.  
This 2010 State Legislature  
is unique in that You have placed these people  
here at this particular time.  
This legislature is different than  
any that has come before,  
and no future legislature will be  
just like this one.  
People change —  
views change —  
the issues change.  
I am convinced this legislature has been put  
into place for a specific purpose.  
May they prove faithful and diligent  
to the task given to them.  
May they recognize their decisions will  
have long-lasting effects.  
So speak loudly and clearly  
Your words of wisdom  
for such a time as this.  
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Crow.

### **PERSONAL PRIVILEGE**

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

Thank you Mr. Speaker and good morning to the members of the body. As the session has moved along we have had many points of personal privilege at which time we have honored national champions, state champions, individuals for their long-time service to the State of Kansas and our men and women in the military.

Today I would like to recognize and congratulate Mr. Dennis Hodgins who many members recognize as a member of the Legislative Research Department. He has staffed several House and Senate committees over the past 17 years.

Dennis was born in Winnipeg, Manitoba, Canada. On March 19, 2010, Dennis became an American citizen by taking the Oath of Citizenship. By my calculation I believe Dennis is approximately the 309,200,000th citizen in the country. I would ask the members of the House to join me in congratulating Dennis Hodgins, U.S. Citizen.

Rep. Phelps presented Mr. Hodgins with a framed House certificate.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:

Insurance: **SCR 1631**.

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

On motion of Rep. Grange, **HR 6047**, A resolution commending Barb Hinton for her outstanding work as Legislative Post Auditor for the State of Kansas and congratulating her on her future endeavors, was adopted.

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

Next month the State will be losing a long-time employee to retirement. I am speaking of Barbara Hinton the leader of the Legislative Post Audit Division. Barb is the woman behind all those blue booklets and highlights you see so often. We thank her for her guidance, leadership and professional non-partisan service to the Legislature and the citizens of Kansas.

Remarks were also made by Reps. Burroughs and Mast.

#### MESSAGE FROM THE SENATE

Announcing passage of **HB 2360**, as amended by **S. Sub. for HB 2360**.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2360**; **HB 2482**, **HB 2486**.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Carlson to nonconcur in Senate amendments to **S. Sub. for HB 2360** and that a new conference committee be appointed, Rep. Kinzer offered a substitute motion that the House concur in the Senate amendments.

Also, roll call was demanded on motion of Rep. Ward to lay **S. Sub. for HB 2360** on the table.

On roll call, the vote was: Yeas 69; Nays 52; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebe, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Hawk, Rhoades.

The motion of Rep. Ward prevailed and **S. Sub. for HB 2360** is laid on the table.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 452**, 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 21 through 43;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 36 and inserting the following:

“New Section 1. (a) Any manufacturer or supplier of alcoholic liquor or cereal malt beverage, whether licensed in this state or any other state, may apply for an annual packaging and warehousing facility permit. The application shall be on a form prescribed by the director and shall include all information the director deems necessary.

(b) A packaging and warehousing facility permit shall allow:

(1) The transfer of alcoholic liquor or cereal malt beverage to the licensed premises of a packaging and warehousing facility for the purpose of packaging or storage, or both;

(2) the sale and transfer from the licensed premises of a packaging and warehousing facility to the licensed premises of a spirits, wine or beer distributor licensed in Kansas or to a Kansas supplier; and

(3) the transfer from the licensed premises of a packaging and warehousing facility to another state.

(c) The annual fee for a packaging and warehousing facility permit shall be \$2,500.

(d) Each brand and label of alcoholic liquor or cereal malt beverage that is intended for sale to distributors in Kansas and is transported, packaged or stored at a licensed packaging and warehousing facility must be registered in accordance with the provisions of K.S.A. 41-331, and amendments thereto.

(e) The tax imposed pursuant to K.S.A. 41-501, and amendments thereto, shall be paid on alcoholic liquor or cereal malt beverage imported into this state under a packaging and warehousing facility permit only if the alcoholic liquor or cereal malt beverage is sold to a distributor for sale at wholesale in this state and shall be paid by the distributor who purchases the alcoholic liquor or cereal malt beverage for sale at wholesale.

(f) This section shall be part of and supplemental to the Kansas liquor control act.”;

On page 10, after line 20, by inserting the following:

“New Sec. 4. (a) The director shall issue a drinking establishment license to any municipal corporation that qualifies under K.S.A. 41-2601 et seq., and amendments thereto, for the premises specified in the license application.

(b) Municipal corporations applying for a drinking establishment license shall not be subject to the provisions of subsection (a)(1) or (a)(3) through (9) of K.S.A. 41-2623, and amendments thereto.

Sec. 5. K.S.A. 2009 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2009 Supp. ~~41-348~~ 41-350, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 2009 Supp. 41-310 is hereby amended to read as follows: 41-310. (a) At the time application is made to the director for a license of any class, the applicant shall pay the fee provided by this section.

(b) The ~~annual~~ fee for a manufacturer's license to manufacture alcohol and spirits shall be ~~\$2,500~~ \$5,000.

(c) The ~~annual~~ fee for a manufacturer's license to manufacture beer and cereal malt beverage shall be:

(1) For 1 to 100 barrel daily capacity or any part thereof, ~~\$200~~ \$400.

(2) For 100 to 150 barrel daily capacity, ~~\$400~~ \$800.

(3) For 150 to 200 barrel daily capacity, ~~\$700~~ \$1,400.

(4) For 200 to 300 barrel daily capacity, ~~\$1,000~~ \$2,000.

(5) For 300 to 400 barrel daily capacity, ~~\$1,300~~ \$2,600.

(6) For 400 to 500 barrel daily capacity, ~~\$1,400~~ \$2,800.

(7) For 500 or more barrel daily capacity, ~~\$1,600~~ \$3,200.

As used in this subsection, "daily capacity" means the average daily barrel production for the previous 12 months of manufacturing operation. If no basis for comparison exists, the licensee shall pay in advance for operation during the first year's operation term of the license a fee of ~~\$1,000~~ \$2,000.

(d) The ~~annual~~ fee for a manufacturer's license to manufacture wine shall be ~~\$500~~ \$1,000.

(e) (1) The ~~annual~~ fee for a microbrewery license or a farm winery license shall be ~~\$250~~ \$500.

(2) The ~~annual~~ fee for a winery outlet license shall be ~~\$50~~ \$100.

(3) The ~~annual~~ fee for a microbrewery packaging and warehousing facility license shall be ~~\$100~~ \$200.

(f) The ~~annual~~ fee for a spirits distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing spirits shall be ~~\$1,000~~ \$2,000.

(g) The ~~annual~~ fee for a wine distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing wine shall be ~~\$1,000~~ \$2,000.

(h) The ~~annual~~ fee for a beer distributor's license, for the first and each additional wholesale distributing place of business operated in this state by the licensee and wholesaling or jobbing beer and cereal malt beverage shall be ~~\$1,000~~ \$2,000.

(i) The ~~annual~~ fee for a nonbeverage user's license shall be:

(1) For class 1, ~~\$10~~ \$20.

(2) For class 2, ~~\$50~~ \$100.

(3) For class 3, ~~\$100~~ \$200.

(4) For class 4, ~~\$200~~ \$400.

(5) For class 5, ~~\$500~~ \$1,000.

(j) In addition to the license fees prescribed by subsections (b), (c), (d), (f), (g), (h) and (i):

(1) Any city in which the licensed premises are located may levy and collect ~~an annual a~~ *biennial* occupation or license tax on the licensee in an amount not exceeding the amount of the ~~annual~~ license fee required to be paid under this act to obtain the license, but no city shall impose an occupation or privilege tax on the licensee in excess of that amount; and

(2) any township in which the licensed premises are located may levy and collect ~~an annual a~~ *biennial* occupation or license tax on the licensee in an amount not exceeding the amount of the ~~annual~~ license fee required to be paid under this act to obtain the license, but no

township shall impose an occupation or privilege tax on the licensee in excess of that amount; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(k) The ~~annual~~ fee for a retailer's license shall be ~~\$250~~ \$500.

(l) In addition to the license fee prescribed by subsection (k):

(1) Any city in which the licensed premises are located ~~shall may~~ levy and collect ~~an annual a biennial~~ occupation or license tax on the licensee in an amount not less than ~~\$100~~ \$200 nor more than ~~\$300~~ \$600, but no other occupation or excise tax or license fee shall be levied by any city against or collected from the licensee; and

(2) any township in which the licensed premises are located ~~shall may~~ levy and collect ~~an annual a biennial~~ occupation or license tax on the licensee in an amount not less than ~~\$100~~ \$200 nor more than ~~\$300~~ \$600; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(m) The license ~~year term~~ for a license shall commence on the date the license is issued by the director and shall end ~~one year two years~~ after that date. *The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond the date such license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to this section by the same number of days the director has extended the license term.*

Sec. 7. K.S.A. 2009 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

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

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

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

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

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

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

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

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

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

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

(11) who does not own the premises for which a license is sought, or does not, *at the time of application*, have a written lease thereon ~~for at least ¾ of the period for which the license is to be issued;~~

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

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

(14) who does not provide any data or information required by K.S.A. 2009 Supp. 41-311b, and amendments thereto.

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

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

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

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, *except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;*

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

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

(6) a corporation; or

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

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

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

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

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

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

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

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, *except as provided in K.S.A. 41-305, and amendments thereto.*

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

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within

14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

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

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

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

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

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

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

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

(3) person who has a beneficial interest in a manufacturer or distributor licensed under this act ~~or a person who currently has a beneficial interest in a farm winery, except as provided in K.S.A. 41-305, and amendments thereto;~~

(4) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, *except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;*

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

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

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

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2009 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

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

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



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

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

(5) is less than 21 years of age.

Sec. 8. K.S.A. 2009 Supp. 41-317 is hereby amended to read as follows: 41-317. (a) Applications for all licenses under this act shall be ~~upon forms prescribed and furnished by the director and shall be filed with the director in duplicate~~ *completed and submitted to the director in a manner prescribed by the director*. Each application shall be accompanied by a state registration applicant shall submit an application fee of \$50 for each initial application and \$10 for each renewal application to defray the cost of ~~preparing and furnishing standard forms incident to the administration of this act and the cost of processing the application~~. Each application shall also be accompanied by a deposit of a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount of the license fee required to be paid for the kind of license applied for, which license fee shall be returned to the applicant if the application is denied. All registration fees shall be remitted by the director to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. All license fees received by the director, including fees received for licenses to manufacture beer, regardless of its alcoholic content, shall be paid into the state treasury by the director and shall be credited to the state general fund.

(b) *Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:*

(1) *The full amount of the license fee required to be paid for the kind of license specified in the application; or*

(2) *one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.*

(c) *If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this paragraph for not more than 30 days beyond the date such payment is originally due.*

(d) *Any license fee paid by an applicant shall be returned to the applicant if the application is denied.*

(e) *Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.*

(f) *All fees received by the director pursuant to this section shall be remitted by the director to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.*

~~(g)~~ (g) *Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, farm winery, retailer's or special order shipping license shall file with the application a joint and several bond on a form prescribed by the director and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:*

(1) *For a manufacturer, \$25,000;*

(2) *for a spirits distributor, \$15,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;*

(3) for a beer or wine distributor, \$5,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;

(4) for a retailer, \$2,000;

(5) for nonbeverage users, \$200 for class 1, \$500 for class 2, \$1,000 for class 3, \$5,000 for class 4 and \$10,000 for class 5;

(6) for a microbrewery or a farm winery, \$2,000; and

(7) for a winery holding a special order shipping license, \$750, unless the winery has already complied with subsection ~~(b)(7)~~ (g)(6).

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

~~(c)~~ (h) All bonds required by this section shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fees, fines and forfeitures which may be assessed against the licensee.

Sec. 9. K.S.A. 41-326 is hereby amended to read as follows: 41-326. A license shall be purely a personal privilege, valid for not to exceed ~~one year~~ *two years* after issuance, *except as otherwise provided by law*, unless sooner suspended or revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A license shall not descend by the laws of testate or intestate devolution but shall cease and expire upon the death of the licensee except that executors, administrators or representatives of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale, distribution or manufacture of alcoholic liquor under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such decedent, or after such insolvency or bankruptcy, until the expiration of such license but not longer than one year after the death, bankruptcy or insolvency of such licensee.

~~A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section: When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee.~~ The secretary of revenue may adopt rules and regulations pursuant to K.S.A. 41-210, and amendments thereto, which provide for the authorization of refunds of ~~that portion of the license fees paid for any period in which one-half of the license fee paid when the licensee does not use such license for the entire second year of the license term~~ as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.

Sec. 10. K.S.A. 2009 Supp. 41-350 is hereby amended to read as follows: 41-350. (a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" have the meaning ascribed to these terms in K.S.A. 2009 Supp. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of ~~\$50~~ *\$100*. *The license term for a special order shipping license shall commence on the date the license is issued by the director and shall end two years after that date.*

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that he or she is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control, or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 2009 Supp. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 2009 Supp. 41-501 et seq., and amendments thereto, shall remit such taxes annually in a manner prescribed by the secretary and shall accompany such remittance with such reports, documentation and other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 2009 Supp. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 11. K.S.A. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102 and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed

premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701 and amendments thereto.

(e) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(i) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

(j) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(k) "Food service establishment" has the meaning provided by K.S.A. 36-501 and amendments thereto.

(l) "Hotel" has the meaning provided by K.S.A. 36-501 and amendments thereto.

(m) "Minor" means a person under 21 years of age.

(n) "Morals charge" means a charge involving prostitution; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(o) "*Municipal corporation*" means the governing body of any county or city.

~~(p)~~ (p) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment.

~~(q)~~ (q) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212 and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

~~(r)~~ (r) "Secretary" means the secretary of revenue.

~~(s)~~ (s) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645 and amendments thereto.

Sec. 12. K.S.A. 41-2605 is hereby amended to read as follows: 41-2605. The director shall issue ~~an annual~~ a license to each applicant for licensure which qualifies under this act. Such license shall be issued in the name of the corporation, *municipal corporation*, partners, trustees, association officers or individual applying.

Sec. 13. K.S.A. 2009 Supp. 41-2606 is hereby amended to read as follows: 41-2606. (a) Applications for all licenses under this act shall be ~~upon forms prescribed and furnished by the director and shall be filed with the director in duplicate~~ *completed and submitted to the director in a manner prescribed by the director*. Each ~~application shall be accompanied by~~

*applicant shall submit* an application fee of \$50, for each initial application, and \$10, for each renewal application, to defray the cost of preparing and furnishing standard forms incident to the administration of this act and the cost of processing such application. Each application shall also be accompanied by a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount of the license fee prescribed by K.S.A. 41-2622, and amendments thereto, which fee shall be returned to the applicant if the application is denied.

(b) Each application for licensure as a club shall be accompanied by a copy of the current bylaws and rules of the club and a current list of the officers of the club.

(c) *Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:*

(1) *The full amount of the license fee required to be paid for the kind of license specified in the application; or*

(2) *one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.*

(d) *If the applicant elects to pay only one-half of the license fee pursuant to subsection (c)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this paragraph for not more than 30 days beyond the date such payment is originally due.*

(e) *Any license fee paid by an applicant shall be returned to the applicant if the application is denied.*

(f) *Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.*

(g) ~~All application~~ fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Sec. 14. K.S.A. 41-2607 is hereby amended to read as follows: 41-2607. (a) The license provided herein shall be issued for a term of ~~one year~~ *two years*, renewable on expiration. ~~The secretary of revenue shall adopt, in accordance with K.S.A. 41-210 and amendments thereto, rules and regulations providing for the authorization of refunds of the license fees paid for any period in which the licensee shall not use such license as the result of the license being canceled at the request of the licensee and for voluntary reasons. When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary shall adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations providing for the authorization of refunds of one-half of the license fee paid when the licensee does not use such license for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.~~

(b) *The director, may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.*

Sec. 15. K.S.A. 2009 Supp. 41-2622 is hereby amended to read as follows: 41-2622. (a) At the time application is made to the director for a license pursuant to the club and drinking

establishment act, the applicant shall pay the following ~~annual~~ license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:

- (1) For a class A club which is a bona fide nonprofit fraternal or war veterans' club, as defined by rules and regulations of the secretary, ~~\$250~~ \$500;
- (2) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has not more than 500 members, ~~\$500~~ \$1,000;
- (3) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has more than 500 members, ~~\$1,000~~ \$2,000;
- (4) for a class B club, ~~\$1,000~~ \$2,000;
- (5) for a drinking establishment, \$1,000;
- (6) for a hotel of which the entire premises are licensed as a drinking establishment, \$3,000;
- (7) for a caterer, ~~\$500~~ \$1,000;
- (8) for a drinking establishment/caterer, \$1,500; and
- (9) for a drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$3,500.

~~If a licensee is described by more than one of the above, the highest fee shall apply.~~

*(b) On and after July 1, 2011, at the time an application is submitted to the director for a drinking establishment license pursuant to the club and drinking establishment act, the applicant shall pay the following license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:*

- (1) For a drinking establishment, \$2,000;*
- (2) for a hotel of which the entire premises are licensed as a drinking establishment, \$6,000;*
- (3) for a drinking establishment/caterer, \$3,000; and*
- (4) for a drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$7,000.*

~~(b)~~ *(c)* In addition to the fee provided by ~~subsection (a)~~ *subsections (a) and (b)*, any city where the licensed premises of a club or drinking establishment are located or, if such licensed premises are not located in a city, the board of county commissioners of the county where the licensed premises are located may levy and collect ~~an annual~~ *a biennial* occupation or license tax from the licensee in an amount equal to not less than ~~\$100~~ \$200 nor more than ~~\$250~~ \$500.

~~(d)~~ *(c)* shall be levied by any city or county against or collected from a licensed club or drinking establishment.

~~(e)~~ *(e)* The director shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the department of social and rehabilitation services. In addition to other purposes for which expenditures may be made from the other state fees fund of the department of social and rehabilitation services, expenditures may be made by the secretary of social and rehabilitation services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Sec. 16. K.S.A. 2009 Supp. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9), (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) Any person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.

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

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311, and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person ~~described in subsection (a)(11) of K.S.A. 41-311, and amendments thereto who does not own the premises for which a license is sought, or does not, at the time the application is submitted, have a written lease thereon, except that an applicant seeking a license for a premises which is owned by a city or county, or is a stadium, arena, convention center, theater, museum, amphitheater or other similar premises may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application in lieu of a lease.~~

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 17. K.S.A. 41-2629 is hereby amended to read as follows: 41-2629. (a) A class B club license, ~~drinking establishment license~~ or caterer's license shall be ~~purely a personal privilege, good for~~ issued for a term not to exceed ~~one year~~ two years after issuance, *except as otherwise provided by law*, unless sooner suspended or revoked as provided in this act.

(b) *Prior to July 1, 2011, a drinking establishment license shall be issued for a term not to exceed one year after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided by this act. On and after July 1, 2011, a drinking establishment license shall be issued for a term not to exceed two years after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided by this act.*

(c) *The director, may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.*

(d) *A class B license, drinking establishment license or caterer's license shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A class B club license, drinking establishment license or caterer's license shall not descend by the laws of testate or intestate devolution but shall cease or expire upon the death of the licensee subject to the following provision.*

(e) *An executor, administrator or representative of the estate of any deceased holder of a class B club, drinking establishment or caterer's license or the trustee of any insolvent or bankrupt class B club, drinking establishment or caterer's license may continue the licensee's business under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such licensee or after such insolvency or bankruptcy until the expiration of such license, but in no case longer than one year after the death, insolvency or bankruptcy of such licensee.*

(f) ~~*A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this act, other than that caused by suspension or revocation. When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary shall adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations providing for the authorization of refunds of the license fees paid for any period in which one-half of the license fee paid when the licensee does not use such license being canceled upon the request of the licensee and for voluntary reasons for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.*~~

Sec. 18. K.S.A. 2009 Supp. 41-308b is hereby amended to read as follows: 41-308b. (a) A microbrewery license shall allow:

- (1) The manufacture of not less than 100 nor more than 15,000 barrels of domestic beer during the license year and the storage thereof;
- (2) the sale to beer distributors of beer, manufactured by the licensee;
- (3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer manufactured by the licensee;
- (4) the serving *free of charge* on the *licensed* premises of samples of beer manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;
- (5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and
- (6) if the licensee is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

- (1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer manufactured by the licensee, for the purpose of packaging or storage, or both; and



(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of the microbrewery, of beer manufactured by the licensee; or

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler.

(c) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such beer shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of beer to be imported, the quantity to be imported, the tasting programs for which the beer is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

(e) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microbrewery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.”;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 21, by striking all after “K.S.A.”; in line 22, by striking “727” and inserting “41-326, 41-2601, 41-2605, 41-2607 and 41-2629 and K.S.A. 2009 Supp. 41-102, 41-308a, 41-308b, 41-310, 41-311, 41-317, 41-350, 41-727, 41-2606, 41-2622 and 41-2623”;

In the title, in line 15, by striking “al-”; in line 16, by striking “coholic beverages”; in line 17, by striking “2009 Supp. 41-102, 41-311 and 41-727” and inserting “41-326, 41-2601, 41-2605, 41-2607 and 41-2629 and K.S.A. 2009 Supp. 41-102, 41-308a, 41-308b, 41-310, 41-311, 41-317, 41-350, 41-727, 41-2606, 41-2622 and 41-2623”;

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

MELVIN J. NEUFELD  
S. MIKE KIEGERL  
JUDITH LOGANBILL  
*Conferees on part of House*

PETE BRUNGARDT  
ROGER P. REITZ  
OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

On motion of Rep. Neufeld, the conference committee report on **SB 452** was adopted.

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

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: C. Holmes, Mast, Neufeld, Peck, Schroeder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Hawk, Rhoades.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2554**, submits the following report:

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

On page 3, in line 37, by striking all after "thereto"; in line 38, by striking all before the period;

On page 7, by striking all in line 1 and inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 74-50,210 is hereby amended to read as follows: 74-50,210.

(a) The provisions of K.S.A. 2009 Supp. 74-50,210 through 74-50,216, and amendments thereto, shall be known and may be cited as the promoting employment across Kansas act.

(b) It shall be the intent of this act to foster economic development and the creation of new jobs and opportunities for the citizens of Kansas through incentivizing the repatriation of business facilities, other operations and jobs from foreign countries and to incentivize the relocation location of business facilities, other operations and jobs from other states to in Kansas. The primary objective of this legislation is economic development for Kansas. The state of Kansas, the secretary of the department of commerce and the department of commerce shall solicit and approve applications by qualified companies pursuant to this act.

Sec. 3. K.S.A. 2009 Supp. 74-50,211 is hereby amended to read as follows: 74-50,211. As used in this act, unless the context otherwise requires:

(a) "Act" means the provisions of K.S.A. 2009 Supp. 74-50,210 through 74-50,216, and amendments thereto.

(b) "County average median wage" means the average median wage paid to employees located in the county where the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.

(c) "Department" means the department of commerce.

(d) "Expanding business" means the expansion of an existing business facility, office, department or other operation located in the state of Kansas and locating in Kansas the jobs directly related to such business facility, office, department or other operation.

~~(d)~~ (e) "High-impact project" means a business development project for which the qualified company shall meet the requirements of subsection (c) of K.S.A. 2009 Supp. 74-50,212, and amendments thereto.

~~(e)~~ "NAICS" means the North American industry classification system.

(f) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte.

(g) "NAICS" means the North American industry classification system.

(h) "NAICS code industry average wage" means the average wage paid to employees of companies classified in the same NAICS code as the qualified company for the region in

which the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.

(i) "New business" means a facility, plant, division, office, department, production line, production shift or other business operations of a company that was not doing business in Kansas prior to the submission of an application for benefits under this act and that provides documentation of such to the satisfaction of the secretary.

~~(j)~~ (j) "New employee" means a person newly employed by the qualified company in the qualified company's business operating in Kansas during the taxable year for which benefits are sought under K.S.A. 2009 Supp. 74-50,212, and amendments thereto. A person shall be deemed to be so engaged if such person performs duties in Kansas in connection with the operation of the Kansas business on: (1) A regular, full-time basis; or (2) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year. Employees ~~acquired or relocated to Kansas from another state through an expansion or relocation of a business operation to Kansas from another state performing functions directly related to a relocating, expanding, or new business facility, office, department or other operation~~ shall be considered ~~as~~ new employees.

~~(k)~~ (k) "Non-metropolitan county" means any county that is not a metropolitan county.

~~(l)~~ (l) (1) "Qualified company" means any *for-profit* corporation, partnership or other entity, ~~organized for profit~~ making available to its full-time employees adequate health insurance coverage and paying at least 50% of the premium for such health insurance, which meets the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto, *and submits an application for benefits meeting requirements established by the secretary.*

(2) "Qualified company" shall not include any corporation, partnership or other entity:

(A) Which is identified by any of the following NAICS code groups, sectors or subsectors:

(i) Industry group 7132 or 8131;

(ii) sectors 44, 45, 61, 92 or 221 (including water and sewer services); or

(iii) subsector 722;

(B) which is a bioscience company, as defined in K.S.A. 2009 Supp. 74-99b33, and amendments thereto;

(C) which is delinquent in the payment of any nonprotested taxes or any other amounts due to the federal government, the state of Kansas or any other political taxing subdivision; or

(D) which has filed for or has publicly announced its intention to file for bankruptcy protection.

(3) Notwithstanding any provision of this subsection, except for paragraphs (2)(B), (C) and (D), a company may be deemed a qualified company if such company's headquarters or administrative offices located in this state serve an international or multi-state territory and such company meets the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto.

~~(m)~~ (m) "Secretary" means the secretary of the department of commerce.

Sec. 4. K.S.A. 2009 Supp. 74-50,212 is hereby amended to read as follows: 74-50,212. (a) In order to qualify for benefits under this act a qualified company shall:

(1) Relocate to Kansas an existing business facility, office, department or other operation ~~located doing business~~ outside the state of Kansas, ~~whether located in a foreign country or another state~~, and locate the jobs ~~from~~ directly related to such ~~relocated~~ business facility, office, department or other operation ~~to~~ in Kansas; or

(2) locate a new business facility, office, department or other operation in Kansas and locate the jobs directly related to such business facility, office, department or other operation in Kansas; or

(3) expand a business facility, office, department or other operation located in the state of Kansas and locate the jobs directly related to such business facility, office, department or other operation in Kansas, except that no payroll withholding taxes shall be retained prior to January 1, 2012.

A qualified company may contract with an unrelated third party to perform services whereby the third party serves as the legal employer of the new employees providing services to the qualified company and such services are performed in Kansas and the third party and the new employees are subject to Kansas state withholding.

(b) Any qualified company, *approved by the secretary for benefits pursuant to paragraph (a)*, that locates its business operation in a metropolitan county and will hire at least 10 new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2009 Supp. 74-50,213, and amendments thereto, or any qualified company, *approved by the secretary for benefits pursuant to paragraph (a)*, that locates its business operation in a non-metropolitan county and will hire at least five new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2009 Supp. 74-50,213, and amendments thereto, shall: (1) Be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees *being paid the county median wage or higher* for a period of up to:

(1) ~~Five years if the new employees are compensated at a rate equal to at least 100% of the county average wage;~~

(2) ~~six years if the new employees are compensated at a rate equal to at least 110% of the county average wage; or~~

(3) ~~seven years if the new employees are compensated at a rate equal to at least 120% of the county average wage.~~

(A) ~~Five years if the median wage paid to the new employees is equal to at least 100% of the county median wage;~~

(B) ~~six years if the median wage paid to the new employees is equal to at least 110% of the county median wage;~~

(C) ~~seven years if the median wage paid to the new employees is equal to at least 120% of the county median wage; or~~

(2) ~~be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to five years if the median wage paid to the new employees is equal to at least 100% of the NAICS code industry average wage.~~

(c) Any qualified company, *approved by the secretary for benefits pursuant to paragraph (a)*, that engages in a high-impact project whereby the qualified company will hire at least 100 new employees within ~~five~~ two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2009 Supp. 74-50,213, and amendments thereto, shall be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees *being paid the county median wage or higher* for a period of up to:

(1) ~~Seven years if the new employees are compensated at a rate equal to at least 100% of the county average wage;~~

(2) ~~eight years if the new employees are compensated at a rate equal to at least 110% of the county average wage;~~

(3) ~~nine years if the new employees are compensated at a rate equal to at least 120% of the county average wage; or~~

(4) ~~ten years if the new employees are compensated at a rate equal to at least 140% of the county average wage.~~

(1) ~~Seven years if the median wage paid to the new employees is equal to at least 100% of the county median wage;~~

(2) ~~eight years if the median wage paid to the new employees is equal to at least 110% of the county median wage;~~

(3) ~~nine years if the median wage paid to the new employees is equal to at least 120% of the county median wage; or~~

(4) ~~ten years if the median wage paid to the new employees is equal to at least 140% of the county median wage.~~

(d) In the event that a qualified company contracts with a third party as described in paragraphs ~~(a)(3)~~ and ~~(4)~~ subsection (a), the third party shall remit payments equal to the amount of Kansas payroll withholding taxes the qualified company is eligible to retain under this section to the qualified company, and report such amount to the department of revenue as required pursuant to subsection (a) of K.S.A. 2009 Supp. 74-50,214, and amendments thereto.

Sec. 5. K.S.A. 2009 Supp. 74-50,213 is hereby amended to read as follows: 74-50,213. (a) Any qualified company meeting the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto, may apply to the secretary for benefits under this act. The application shall be submitted on a form and in a manner prescribed by the secretary, and shall include: (1) Evidence that the applicant is a qualified company; and (2) evidence that the applicant meets the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto.

(b) The secretary ~~shall~~ *may* either approve or disapprove the application. Any qualified company whose application is approved shall be eligible to receive benefits under this act as of the date such qualified company enters into an agreement with the secretary in accordance with this section.

(c) Upon approval of an application for benefits under this act, the secretary may enter into an agreement with the qualified company for benefits under this act. If necessary, the secretary may also enter into an agreement with any third party described in subsection (a) of K.S.A. 2009 Supp. 74-50,212, and amendments thereto, or such third party may be a party to the agreement between the qualified company and the secretary. The agreement shall commit the secretary to certify to the secretary of revenue: (1) That the qualified company is eligible to receive benefits under this act; (2) the number of new employees hired by the qualified company; and (3) the amount of gross wages being paid to each new employee.

(d) The agreement between the qualified company and the secretary shall be entered into before any benefits may be provided under this act, and shall specify that should the qualified company fail to comply with the terms and conditions set forth in the agreement, or fails to comply with the provisions set forth in this act, the secretary may terminate the agreement, and the qualified company shall not be entitled to any further benefits provided under this act and shall be required to remit to the state an amount equal to the aggregate Kansas payroll withholding taxes retained by the qualified company, or remitted to the qualified company by a third party, pursuant to this act as of the date the agreement is terminated.

(e) A qualified company that is already receiving benefits pursuant to this act may apply to the secretary for additional benefits if the qualified company meets the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto.

(f) A qualified company seeking benefits shall ~~not~~ be allowed to participate in the IMPACT program, ~~or any program~~ pursuant to K.S.A. 74-50,102 *et seq.*, and amendments thereto, ~~or but shall not be allowed to participate in~~ any other program in which any portion of such qualified company's Kansas payroll withholding taxes have been pledged to finance indebtedness or transferred to or for the benefit of such company. A qualified company shall not be allowed to claim any credits under K.S.A. 79-32,153, 79-32,160a or 79-32,182b, and amendments thereto, if such credits would otherwise be earned for the hiring of new employees and the qualified company has retained any Kansas payroll withholding taxes from wages of such employees. *A qualified company shall not be eligible to receive benefits under K.S.A. 2009 Supp. 74-50,212, and amendments thereto, and under K.S.A. 74-50,102 et seq., and amendments thereto, for the same new employees.*

(g) *Under no circumstances shall the total amount of benefits authorized or granted to the aggregate of all expanding businesses, as such term is defined in K.S.A. 2009 Supp. 74-50,211, and amendments thereto, under this act exceed \$4,800,000 in any fiscal year commencing on or after July 1, 2011.*

(h) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this act.

Sec. 6. K.S.A. 2009 Supp. 74-50,214 is hereby amended to read as follows: 74-50,214. (a) Any qualified company eligible to receive benefits pursuant to K.S.A. 2009 Supp. 74-50,212, and amendments thereto, shall complete and submit to the department of revenue:

(1) The amount of Kansas payroll withholding tax being retained by the qualified company pursuant to this act in a manner prescribed by the director of taxation; and

(2) *a form designed by the secretary of revenue pursuant to section 12, and amendments thereto.*

*The completed form shall be submitted electronically or in the manner prescribed by the secretary of revenue.*

(b) The secretary of revenue ~~shall~~ *may* adopt rules and regulations necessary to implement and administer the provisions of this ~~act~~ *section*. The secretary of revenue and the secretary of commerce shall work together to coordinate a set of procedures to implement the provisions of this act.

Sec. 7. K.S.A. 2009 Supp. 74-50,103 is hereby amended to read as follows: 74-50,103. As used in the IMPACT act unless the context clearly requires otherwise:

(a) "Act" means the Kansas investments in major projects and comprehensive training act.

(b) "Agreement" means the agreement among an employer, an educational institution and the secretary of commerce concerning a SKILL project or a combined SKILL project and major project investment and the agreement between an employer and the secretary of commerce concerning a major project investment.

(c) "Bond" means a public purpose bond issued for IMPACT projects by the Kansas development finance authority.

(d) "Date of commencement of the project" means the date of the agreement.

(e) "Educational institution" means a community college, as defined by K.S.A. 71-701, and amendments thereto, an area vocational school or area vocational-technical school, as defined by K.S.A. 72-4412, and amendments thereto, a university, as defined by K.S.A. 72-6501, and amendments thereto, a state educational institution, as defined by K.S.A. 76-711, and amendments thereto, or a technical college as established by K.S.A. 72-4468, and amendments thereto.

(f) "Employee" means a person employed in a new or retained job.

(g) "Employer" means a Kansas basic enterprise providing new jobs or retaining existing jobs in conjunction with a project.

(h) "IMPACT program" or "program" means the major project investments and SKILL projects undertaken by the department of commerce in accordance with the provisions of this act for a new or expanding Kansas basic enterprise.

(i) "IMPACT project" or "project" means a SKILL project, major project investment or a combination of the two.

(j) "Kansas basic enterprise" means any enterprise:

(1) Which is located or principally based in Kansas; and

(2) which can provide demonstrable evidence that:

(A) It is primarily engaged in any one or more of the Kansas basic industries; or

(B) it is primarily engaged in the development or production of goods or the provision of services for out-of-state sale; or

(C) it is primarily engaged in the production of goods or the provision of services which will attract out-of-state buyers or consumers into the state; or

(D) it is primarily engaged in the production of raw materials, ingredients, or components for other enterprises which export the majority of their products from the state; or

(E) it is a national or regional enterprise which is primarily engaged in interstate commerce or an affiliated management company of such an enterprise; or

(F) it is primarily engaged in the production of goods or the provision of services which will supplant goods or services which would be imported into the state; or

(G) it is the corporate or regional headquarters of a multistate enterprise which is primarily engaged in out-of-state industrial activities.

(k) "Kansas basic industry" means:

(1) Agriculture;

(2) mining;

(3) manufacturing;

(4) interstate transportation;

(5) wholesale trade which is primarily multistate in activity or which has a major import supplanting effect within the state;

(6) financial services which are provided primarily for interstate or international transactions;

(7) business services which are provided primarily in out-of-state markets;

(8) research and development of new products, processes, or technologies; or

(9) tourism activities which are primarily engaged in for the purpose of attracting out-of-state tourists.

(l) "Major project investment" or "investment" means financial assistance to an employer to defray business costs including, but not limited to, relocation expenses, building and equipment purchases, labor recruitment and job retention.

(m) "New job" means a job in a new or expanding Kansas basic enterprise not including jobs of recalled workers, or existing jobs that are vacant or other jobs that formerly existed in the Kansas basic enterprise in Kansas.

(n) "Primarily engaged" means engagement in an activity by an enterprise to the extent that not less than 51% of the gross income of the enterprise is derived from such engagement.

(o) "Program costs" means all necessary and incidental costs of providing program services, except that program costs shall not include: (1) Any costs for purchase or lease of training equipment that exceed 50% of total program costs for the project, (2) any costs for administrative expenses that exceed 10% of total program costs for the project, and (3) any costs for direct investments in education and related workforce development institutions, for improvements to workforce development, human capital, training expertise and infrastructure that exceed 10% of total program costs.

(p) "Program services" means:

(1) New jobs training, including training development costs, except that the actual training period for any new job shall not exceed 36 months from the date the job is first filled by an employee;

(2) adult basic education and job-related instruction;

(3) vocational and skill-assessment services and testing;

(4) training equipment for education institutions;

(5) material and supplies;

(6) administrative expenses of educational institutions for new jobs training programs;

(7) subcontracted services with other educational institutions, private colleges or universities or other federal, state or local agencies;

(8) contracted or professional service;

(9) major project investments; ~~and~~

(10) direct investments in educational and related workforce development institutions, for improvements to workforce development, human capital, training expertise and infrastructure;

(11) *independent evaluation of the effectiveness of economic development incentives, including analysis of the return on investment at both the state and local levels, as determined necessary by the secretary of commerce after consultation with the secretary of revenue; and*

(12) *economic impact and economic incentive program analysis and related services as determined necessary by the secretary of commerce.*

(q) "Retained job" means an existing job which will be lost without participation by the employer under the provisions of the IMPACT program.

(r) "Secretary" means the secretary of commerce.

(s) "SKILL project" means a training arrangement which is the subject of an agreement entered into between the educational institution and an employer to provide program services.

Sec. 8. K.S.A. 2009 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession

of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; ~~and~~ (B) *the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2009 Supp. 74-50,212, and amendments thereto;* (C) *information received from businesses completing the form required by section 12, and amendments thereto;* and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2009 Supp. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. §651 et seq.) and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;



(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas pari-mutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; and

(13) provide taxpayer information of persons suspected of violating K.S.A. 2009 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2009 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., as amended, and the results or status of such audit or investigation.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 9. K.S.A. 2009 Supp. 79-32,153 is hereby amended to read as follows: 79-32,153. (a) For taxable years commencing after December 31, 1997, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, *and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2009 Supp. 74-50,114 or 74-50,211, and amendments thereto*, shall be allowed a credit for such investment, in an amount determined under subsection (b) against the tax imposed by the Kansas income tax act, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility, and for each of the nine succeeding taxable years. No credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility, or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility shall be a portion of the tax, but not in excess of 50% of such tax, otherwise

imposed on or measured by the taxpayer's qualified business facility income, as defined in subsection (g) of K.S.A. 79-32,154, and amendments thereto, for the taxable year for which such credit is allowed. Such portion shall be an amount equal to the sum of the following:

(1) One hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one hundred dollars for each \$100,000, or major fraction thereof (which shall be deemed to be 51% or more), in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(c) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto.

(d) No credit shall be allowed under this section for investment in a public utility, as such term is defined in K.S.A. 66-104, and amendments thereto.

Sec. 10. K.S.A. 2009 Supp. 79-32,160a is hereby amended to read as follows: 79-32,160a.

(a) For taxable years commencing after December 31, 1999, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, *and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2009 Supp. 74-50,114 or 74-50,211, and amendments thereto*, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility, or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified

business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) Two thousand five hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment, as determined under K.S.A. 79-32,154, and amendments thereto.

(c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, *and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2009 Supp. 74-50,114 or 74-50,211, and amendments thereto*, and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) One thousand five hundred dollars for each qualified business facility employee as determined under K.S.A. 79-32,154, and amendments thereto; and

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(d) The credit allowed by subsection (a) for each qualified business facility employee and for qualified business facility investment shall be a one-time credit. If the amount of the credit allowed under subsection (a) exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, or in the case where the qualified business facility investment was made prior to January 1, 1996, 50% of such tax imposed upon the amount which exceeds such tax liability or such portion thereof may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. Except that, before the credit is allowed, a taxpayer, who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of two qualified business facility employees has continued to be maintained and a taxpayer, who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of five qualified business employees has continued to be maintained.

(e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds \$50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas

taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the 10th taxable year succeeding the taxable year in which such credit initially was claimed and no carry forward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable year pursuant to K.S.A. 74-50,131, and amendments thereto.

(f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto.

(g) This section and K.S.A. 79-32,160b, and amendments thereto, shall be part of and supplemental to the job expansion and investment credit act of 1976 and acts amendatory thereof and supplemental thereto.

Sec. 11. K.S.A. 2009 Supp. 79-32,243 is hereby amended to read as follows: 79-32,243.

(a) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to K.S.A. 74-50,132, 79-32,153 or 79-32,160a, and amendments thereto, as a condition for claiming and qualifying for such credits, shall provide the following information as part of the tax return, in which such credits are claimed, which shall be used by the department of revenue in evaluating the effectiveness of such tax credit programs, pursuant to K.S.A. 2009 Supp. 74-99b35, and amendments thereto:

(1) Actual jobs created as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of such number of actual jobs created to the department of commerce as a part of applying for certification for such program participation;

(2) additional payroll generated as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of such amount of additional payroll generated to the department of commerce as a part of applying for certification for such program participation;

(3) actual jobs retained as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of actual jobs retained to the department of commerce as a part of applying for certification for such program participation;

(4) additional revenue generated as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of such amount of additional revenue generated to the department of commerce as a part of applying for certification for such program participation;

(5) additional sales generated as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of additional sales generated to the department of commerce as a part of applying for certification for program participation; ~~and~~

(6) total employment and payroll at the end of the tax year in which the credits are claimed; *and*

(7) *such further information as shall be required by the secretary of revenue.*

(b) Such credits specified in subsection (a) shall not be denied solely on the basis of the information provided by the taxpayer pursuant to subsections (a)(1) through ~~(a)(6)~~ (a) (7).

New Sec. 12. The secretary of revenue in consultation with the secretary of commerce shall develop a form which must be completed annually by any business that received any tax benefit pursuant to the promoting employment across Kansas act and amendments thereto. Such form shall be developed no later than December 31, 2010, and shall request, at a minimum, the information required by paragraphs (1), (2), (3), (4), (5) and (6) of subsection (a) of K.S.A. 79-32,243, and amendments thereto, and such other information

as shall be required by the secretary of revenue and the secretary of commerce. Upon completion of the form, the business completing the form shall file the form electronically with the secretary of revenue or submit the form in the manner prescribed by the secretary of revenue. The contents of the completed form shall be confidential except as provided in K.S.A. 79-3234 and amendments thereto.

New Sec. 13. The legislative post auditor shall conduct an audit of the promoting employment across Kansas act under this section in accordance with the provisions of the legislative post audit act. The audit shall focus on the effectiveness of the act in fostering economic growth, creating new jobs and promoting the location of business facilities, other operations and jobs in Kansas. Such audit shall be submitted to the legislature at the beginning of the regular session of the legislature held during 2015. The audit shall make a recommendation on the retention or adjustment of the limitation described in subsection (g) of K.S.A. 2009 Supp. 74-50,213, and amendments thereto.

New Sec. 14. No person who was a member of the legislature on the effective date of this act may avail themselves of the benefits under the provisions of K.S.A. 2009 Supp. 74-50,210 through 74-50,216, and amendments thereto, until after July 1, 2015.

Sec. 15. K.S.A. 2009 Supp. 74-50,103, 74-50,136, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 79-3234, 79-32,153, 79-32,160a and 79-32,243 are hereby repealed.”; And by renumbering the sections accordingly;

In the title, in line 12, by striking all after “ACT”; by striking all in lines 13 through 15 and inserting “concerning economic development; pertaining to the economic revitalization and investment act; authorizing the issuance of bonds for certain economic development projects; pertaining to the promoting employment across Kansas act; pertaining to qualifications for benefits under such act; duties of secretary of revenue; reporting requirements; amending K.S.A. 2009 Supp. 74-50,103, 74-50,136, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 79-3234, 79-32,153, 79-32,160a and 79-32,243 and repealing the existing sections.”;

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

KARIN BROWNLEE

JULIA LYNN

TOM HOLLAND

*Conferees on part of Senate*

LANA GORDON

OWEN DONOHUE

*Conferees on part of House*

On motion of Rep. Gordon, the conference committee report on **HB 2554** was adopted.

On roll call, the vote was: Yeas 109; Nays 12; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Dillmore, Flaharty, Frownfelter, Garcia, Henderson, Landwehr, Menghini, Ruiz, Swenson, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Hawk, Rhoades.

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

**COMMITTEE OF THE WHOLE**

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

Recommended that discussion resume on **H. Sub. for SB 572** (see previous action, HJ page 1508); also roll call was demanded on Part A of the motion of Rep. Feuerborn to amend, as amended by House Committee of the Whole, on page 1, in line 27, by striking “and June 30, 2015” and inserting “, June 30, 2015, and June 30, 2016”;

By striking all on pages 2 through 308;

On page 309, by striking all in lines 1 through 12 and inserting the following material to read as follows:

On roll call, the vote was: Yeas 71; Nays 49; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Hawk, Kiegerl, Rhoades.

The motion of Rep. Feuerborn on Part A prevailed.

Also, roll call was demanded on Part B of the motion of Rep. Feuerborn to amend on page 5,

Sec. 14.

**OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS**

(a) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 17-12a601, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,250,000 from the investor education fund of the office of the securities commissioner of Kansas to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the investor education fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the investor education 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 office of the securities commissioner of Kansas by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 65; Nays 50; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder,

Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Faber, S. Gatewood, Hawk, Huebert, Kiegerl, Rhoades, Sloan, Swenson.

The motion of Rep. Feuerborn on Part B prevailed.

Also, roll call was demanded on Part C of the motion of Rep. Feuerborn to amend on page 31, Sec. 47,

(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, 2011, in the operations account without limit at the discretion of the lieutenant governor.

On roll call, the vote was: Yeas 70; Nays 48; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Kiegerl, Rhoades, Shultz.

The motion of Rep. Feuerborn on Part C prevailed.

Also, roll call was demanded on Part D of the motion of Rep. Feuerborn to amend on page 38, Sec. 49,

(j) During the fiscal year ending June 30, 2011, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state general fund for the attorney general to another item of appropriation for fiscal year 2011 from the state general fund for the attorney general. The attorney general 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.

On roll call, the vote was: Yeas 69; Nays 48; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Kiegerl, Rhoades, Tafanelli, Whitham.

The motion of Rep. Feuerborn on Part D prevailed.

Also, roll call was demanded on Part E of the motion Rep. Feuerborn to amend on page 62, Sec. 59,

(g) On July 1, 2010, or as soon thereafter as moneys are available, 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 July 1, 2010, 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 any other statute, from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund of the state corporation commission to the state general fund during fiscal year 2011: *Provided*, That the aggregate of the amounts specified in such certification to be transferred from such funds during fiscal year 2011 shall be \$1,500,000: *Provided further*, That, upon receipt of such certification, the director of 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 gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund of the state corporation commission 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 gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund during fiscal year 2011 shall not exceed \$1,500,000: *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 gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow 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 gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund to the state general fund as 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 gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow 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.

On roll call, the vote was: Yeas 62; Nays 57; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Rhoades, K. Wolf.

The motion of Rep. Feuerborn on Part E prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn to amend on Part F on page 87, Sec. 61,

(q) 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 2011 by this or other appropriation act of the



2010 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 2011 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 \$36,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

On roll call, the vote was: Yeas 69; Nays 44; Present but not voting: 1; Absent or not voting: 11.

Yeas: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grange, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Goyle, Hayzlett, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Suelentrop, Vickrey, Williams, B. Wolf, Yoder.

Present but not voting: Slattery.

Absent or not voting: Aurand, Bethell, Brunk, Fund, Gordon, Hawk, M. Holmes, Horst, Myers, Neufeld, Rhoades.

The motion of Rep. Feuerborn on Part F prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part G, on page 88, Sec. 62.

(b) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the administrative hearings office fund of the office of administrative hearings to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the administrative hearings office fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the administrative hearings office 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 office of administrative hearings by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 63; Nays 52; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Craft, Fund, Hawk, Hineman, Morrison, Myers, Rhoades, Spalding.

The motion of Rep. Feuerborn on Part G prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part H, page 116, Sec. 71,

(f) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-715, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$800,000 from the workmen's compensation fee fund of the department of labor to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the workmen's compensation fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the workmen's compensation 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 department of labor by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 64; Nays 54; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Colloton, Fund, Hawk, Myers, Rhoades.

The motion of Rep. Feuerborn on Part H prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part I, page 173, Sec. 79,

(e) On July 1, 2010, and quarterly thereafter, the director of accounts and reports shall transfer \$12,074 from the school bus safety fund to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the school bus safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the school bus safety 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 department of education by other state agencies which receive appropriations from the state general fund to provide such services.

(f) On September 30, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the state safety fund to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety 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 department of education by other state agencies which receive appropriations from the state general fund to provide such services.

(g) On December 31, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$700,000 from the state safety fund to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety 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 department of education by other state agencies which receive appropriations from the state general fund to provide such services.

(h) On March 30, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$750,000 from the state safety fund to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety 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 department of education by other state agencies which receive appropriations from the state general fund to provide such services.

(i) On June 30, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,100,000 from the state safety fund to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety 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 department of education by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 65; Nays 51; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Long, Mast, McLeland, Morrison, Myers, O'Brien, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Whitham, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Hermanson, Merrick, O'Neal, Rhoades, Tafanelli.

The motion of Rep. Feuerborn on Part I prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part J on page 262, Sec. 104,

(b) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas commission on peace officers' standards and training fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Kansas commission on peace officers' standards and training 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 commission on peace officers' standards and training by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 67; Nays 50; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Hermanson, Kleeb, Rhoades, Schwab.

The motion of Rep. Feuerborn on Part J prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part K on page 392.

Sec. 154 On July 1, 2010, K.S.A. 2009 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. (a) 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 year 2009 on each such date shall not exceed \$3,330,543.50, and (3) no moneys shall be transferred from the state general fund to the special city and county highway fund during state fiscal year 2010; and (4) notwithstanding the provisions of K.S.A. 79-3425c and 79-3425i, and amendments thereto, or any other statute, the aggregate amount of \$6,661,067 of the moneys credited to the special city and county highway fund shall be paid on or before April 14, 2009, by the state treasurer in accordance with the following to the following counties in the amounts specified respectively therefor with the requirement that the moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute. Barton county, \$174,544.98; Butler county, \$690,898.90; Chautauqua county, \$7,293.76; Clay county, \$15,533.75; Comanche county, \$15,525.56; Cowley county, \$151,493.36; Douglas county, \$1,152,561.96; Finney county, \$38,376.16; Geary county, \$41,101.83; Grant county, \$11,827.23; Lane county, \$6,986.21; Leavenworth county, \$655,874.14; Ness county, \$13,000.51; Rice county, \$9,780.91; Russell county, \$19,610.55; Shawnee county, \$3,299,659.69; Sherman county, \$29,689.72; Stevens county, \$7,532.41; Trego county, \$4,257.37; and Wyandotte county, \$116,537.47, which shall be for the purpose of providing such counties, cities and other local governmental entities the amounts that were not paid as directed by statute during state fiscal years 2006, 2007 and 2008 *state fiscal year 2011 or state fiscal year 2012*. 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, 2010, and June 30, 2011, shall be considered to be revenue transfers from the state general fund. Any transfers of moneys from the state general fund to the special city and county highway fund during the state fiscal year ending June 30, 2009, pursuant to the provisions of K.S.A. 79-3425, 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 and (3) (A) on each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016 the state treasurer shall determine the amount of money to be paid the counties and cities on such dates of such year, pursuant to K.S.A. 79-3425c, and amendments thereto, and make the following adjustments prior to the apportionment and payment specified in K.S.A. 79-3425c, and amendments thereto: (i) The following amounts shall be added to the apportionment and payment to be paid to the following counties: Barton county, \$7,984.99; Butler county, \$96,937.27; Douglas county, \$128,245.99; Leavenworth county, \$55,766.22; Shawnee county, \$267,356.20; and (ii) the following amounts shall be deducted from the apportionment and payment to the following counties: Allen county, \$3,839.12; Anderson county, \$2,957.98; Atchison county, \$4,345.79; Barber county, \$1,813.76; Bourbon county, \$2,945.98; Brown county, \$1,590.14; Chase county, \$1,364.54; Chautauqua county, \$539.42; Cherokee county, \$5,874.25; Cheyenne county, \$1,317.84; Clark county, \$757.32; Clay county, \$968.54; Cloud county, \$2,774.68; Coffey county, \$2,894.76; Comanche county, \$446.63; Cowley county, \$2,116.31; Crawford county, \$5,558.19; Decatur county, \$1,615.15; Dickinson county, \$6,024.00; Doniphan county, \$2,626.24; Edwards county, \$1,580.33; Elk county, \$525.08; Ellis county, \$8,774.46; Ellsworth county, \$2,334.37; Finney county, \$5,837.57; Ford county, \$7,048.03; Franklin county, \$6,898.28; Geary county, \$976.57; Gove county, \$1,058.76; Graham county, \$1,409.48; Grant county, \$1,936.03; Gray county, \$2,355.25; Greeley county, \$941.53; Greenwood county, \$2,701.29; Hamilton county, \$1,060.71; Harper county, \$1,466.35; Harvey county, \$7,863.46; Haskell county, \$1,335.39; Hodgeman county, \$959.20; Jackson county, \$4,647.68; Jefferson county, \$6,701.43; Jewell county, \$1,211.66; Johnson county, \$115,947.72; Kearny county, \$1,160.82; Kingman county, \$2,801.87; Kiowa county, \$1,441.36; Labette county, \$5,563.25; Lane county, \$652.48; Lincoln county, \$1,203.05; Linn county, \$3,772.22; Logan county, \$1,169.58; Lyon county, \$8,236.73; Marion county, \$3,681.52; Marshall county, \$3,878.17; McPherson county, \$8,652.66; Meade county, \$1,048.56; Miami county, \$10,701.45; Mitchell county, \$3,466.79; Montgomery county, \$8,377.29; Morris county, \$1,955.91; Morton county, \$1,200.61; Nemaha county, \$3,774.74; Neosho county, \$5,507.28; Ness county, \$991.77; Norton county, \$1,800.14; Osage county, \$2,327.93; Osborne county, \$1,882.73; Ottawa county, \$2,063.91; Pawnee county, \$1,802.09; Phillips county, \$2,622.20; Pottawatomie county, \$6,512.08; Pratt county, \$2,187.16; Rawlins county, \$1,119.60; Reno county, \$12,935.71; Republic county, \$2,272.31; Rice county, \$1,722.51; Riley county, \$11,149.53; Rooks county, \$2,252.51; Rush county, \$1,235.76; Russell county, \$577.59; Saline county, \$14,049.86; Scott county, \$1,340.37; Sedgwick county, \$117,126.91; Seward county, \$4,488.67; Sheridan county, \$1,786.11; Sherman county, \$194.37; Smith county, \$1,993.99; Stafford county, \$2,029.27; Stanton county, \$991.97; Stevens county, \$638.08; Sumner county, \$5,908.68; Thomas county, \$3,388.44; Trego county, \$1,781.87; Wabaunsee county, \$2,354.10; Wallace county, \$994.33; Washington county, \$2,554.75; Wichita county, \$1,333.92; Wilson county, \$3,659.10; Woodson county, \$1,214.90; Wyandotte county, \$16,818.00; (B) after determining and including such additions and deductions, the resulting apportionment and payment shall be paid by the state treasurer to the counties and cities prescribed therefor, notwithstanding the provisions of K.S.A. 79-3425c, and amendments thereto, or any other statute, each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016, with the requirement that the additional moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute, except that the state treasurer shall calculate the annual equalization payment to each county without considering the deductions or additions to quarterly distributions required by subsection (a)(3)(A); and (C) acceptance of the

*payments made pursuant to this subsection (a)(3) shall be deemed as payment in full and a release of any liability from the county to the state treasurer for payments from the special city and county highway fund for state fiscal years 2000 through 2009.*

(b) During the state fiscal year ending June 30, 2010, on July 15, 2009, and January 15, 2010, the director of accounts and reports shall transfer \$2,515,916 from the state highway fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto.

On roll call, the vote was: Yeas 72; Nays 48; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Grange, Grant, Henderson, Henry, Hill, Hineman, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Patton, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Carlson, DeGraaf, Donohoe, Faber, Goico, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Rhoades.

The motion of Rep. Feuerborn on Part K prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part L on page 413.

Sec. 166. (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 April, May and June, 2010, 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, 2010, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2010, 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 2010, is hereby lapsed from each such account: *Provided, however*, That the lapse provided for in this subsection shall not apply to the appropriations or reappropriations for fiscal year 2010 in each account of the state general fund for the state board of regents, or any state educational institution under the control and supervision of the state board of regents.

(3) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, by this or other appropriation act of the 2010 regular session of the legislature, or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to the amount that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2010, 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 2010, from such special revenue fund, or account thereof: *Provided, however*, That the reduction in the expenditure limitations provided for in this subsection shall not apply to the special revenue funds in the state treasury for fiscal year 2010 of the state board of regents, or any state educational institution under the control and supervision of the state board of regents.

(4) 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 equal to the aggregate of all amounts that would have been paid from such account to the Kansas public employees retirement system as a contribution for the period commencing on April 1, 2010, and ending on June 30, 2010, 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 2010, 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)(4) 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: *Provided, however*, That the provisions of this subsection prescribing transfers of amounts from special revenue funds to the state general fund as provided for in this subsection shall not apply to the special revenue funds in the state treasury for fiscal year 2010 of the state board of regents, or any state educational institution under the control and supervision of the state board of regents.

(b) (1) On and after July 1, 2010, 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 April, May and June, 2011, 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 July 1, 2010, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2011, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2011, 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 2011, is hereby lapsed from each such account.

(3) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, by this or other appropriation act of the 2010 regular session of the legislature, or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to the amount that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2011, 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 2011, from such special revenue fund, or account thereof.

(4) On July 1, 2010, 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 equal to the aggregate of all amounts that would have been paid from such account to the Kansas public employees retirement system as a contribution for the period commencing on April 1, 2011, and ending on June 30, 2011, 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 2011, 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)(4) 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: *Provided, however*, That the provisions of this sub-

section prescribing transfers of amounts from special revenue funds to the state general fund as provided for in this subsection shall not apply to the special revenue funds in the state treasury for fiscal year 2011 of the state board of regents, or any state educational institution under the control and supervision of the state board of regents.”;

On roll call, the vote was: Yeas 68; Nays 52; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Rhoades.

The motion of Rep. Feuerborn on Part L prevailed

Also, on motion of Rep. Feuerborn on Part M (the remainder of the amendment), **H.**

**Sub. for SB 572** be amended

“Sec. 2.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$14,019,902 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 54(b) of chapter 124 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$5,001 is hereby lapsed.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2010, the following:

Senior community service employment program — ARRA match..... \$5,000

Sec. 3.

KANSAS LOTTERY

(a) On the effective date of this act, the amount authorized by section 9(b) of chapter 144 of the 2009 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2010, is hereby decreased from \$70,540,000 to \$67,650,000.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2010, by section 99(a) of chapter 124 of the 2009 Session Laws of Kansas for the Kansas lottery is hereby decreased from 99.00 to 89.00.

Sec. 4.

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, 2010, 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:

Gaming background investigation fund..... No limit  
Education and training fund..... No limit

*Provided*, That expenditures may be made from the education and training fund for operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: *Provided further*, That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service 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 hosting or providing such training, in-service workshops and conferences: *And provided further*,



That all fees received for hosting or providing such training, in-service 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 education and training fund.

Sec. 5.

#### STATE CORPORATION COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 46(b) of chapter 124 of the 2009 Session Laws of Kansas on the aggregate limit of the public service regulation fund, the motor carrier license fees fund and the conservation fee fund is hereby increased from \$16,290,795 to \$16,900,839.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2010, by section 99(a) of chapter 124 of the 2009 Session Laws of Kansas for the state corporation commission is hereby increased from 214.00 to 216.00.

Sec. 6.

#### DEPARTMENT OF REVENUE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$195,395 from the Kansas qualified biodiesel fuel producer incentive fund of the state department of revenue to the state general fund.

Sec. 7.

#### STATE COURT OF TAX APPEALS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on the COTA filing fee fund of the state court of tax appeals is hereby increased from \$546,492 to \$607,299.

Sec. 8.

#### ABSTRACTERS' BOARD OF EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 8(a) of chapter 124 of the 2009 Session Laws of Kansas on the abstracters' fee fund is hereby increased from \$21,207 to \$23,407.

(b) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 8(a) of chapter 124 of the 2009 Session Laws of Kansas on the abstracters' fee fund is hereby increased from \$21,207 to \$23,407.

Sec. 9.

#### BOARD OF ACCOUNTANCY

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 9(a) of chapter 124 of the 2009 Session Laws of Kansas on the board of accountancy fee fund is hereby increased from \$309,832 to \$311,611.

Sec. 10.

#### GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 43(b) of chapter 144 of the 2009 Session Laws of Kansas on the governmental ethics commission fee fund of the governmental ethics commission is hereby increased from \$238,394 to \$251,282.

(b) On July 1, 2010, of the \$472,411 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 27(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$51,061 is hereby lapsed.

(c) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 27(b) of chapter 124 of the 2009 Session Laws of Kansas on the governmental ethics commission fee fund of the governmental ethics commission is hereby increased from \$227,417 to \$292,010.

Sec. 11.

#### KANSAS HOME INSPECTORS REGISTRATION BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 28(a) of chapter 124 of the 2009 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from no limit to \$36,020.

(b) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 28(a) of chapter 124 of the 2009 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from no limit to \$35,750.

Sec. 12.

STATE BOARD OF MORTUARY ARTS

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 17(a) of chapter 124 of the 2009 Session Laws of Kansas on the mortuary arts fee fund of the state board of mortuary arts is hereby increased from \$270,657 to \$271,510.

Sec. 13.

BOARD OF NURSING

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 19(a) of chapter 124 of the 2009 Session Laws of Kansas on the board of nursing fee fund of the board of nursing is hereby increased from \$1,812,999 to \$1,887,059.

Sec. 15.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 25(a) of chapter 124 of the 2009 Session Laws of Kansas on the technical professions fee fund is hereby increased from \$583,468 to \$586,103.

Sec. 16.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 17(a) of chapter 144 of the 2009 Session Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby decreased from \$266,706 to \$264,908.

(b) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 26(a) of chapter 124 of the 2009 Session Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby increased from \$266,706 to \$268,382.

Sec. 17.

ATTORNEY GENERAL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$232,432 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$686,998 from the medicaid fraud prosecution revolving fund of the attorney general to the interstate water litigation fund of the attorney general.

Sec. 18.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2010, 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:

District magistrate judge supplemental compensation fund ..... No limit

Sec. 19.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the social welfare fund is hereby increased from \$29,496,729 to \$30,639,326.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the title XIX fund is hereby increased from \$45,210,781 to \$52,258,499.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Kansas neurological institute fee fund is hereby increased from \$1,178,211 to \$1,272,665.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Osawatomie state hospital fee fund is hereby increased from \$5,225,669 to \$7,578,727.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Parsons state hospital and training center fee fund is hereby increased from \$1,229,990 to \$1,297,748.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Rainbow mental health facility fee fund is hereby increased from \$1,063,053 to \$1,375,252.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Larned state hospital fee fund is hereby increased from \$3,897,760 to \$4,428,237.

(h) On the effective date of this act, of the \$115,673,237 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 64(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the youth services aid and assistance account, the sum of \$16,840,057 is hereby lapsed.

(i) On the effective date of this act, of the \$58,015,398 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 64(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$376,320 is hereby lapsed.

(j) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2010, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects..... \$261,800

(k) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Other medical assistance ..... \$642,890

Sec. 20.

KANSAS HEALTH POLICY AUTHORITY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on the medical programs fee fund is hereby decreased from \$49,200,000 to \$46,567,543.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on expenditures from the state workers compensation self-insurance fund for salaries and wages and other operating expenditures is hereby increased from \$3,347,628 to \$3,711,658.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on expenditures from the cafeteria benefits fund for salaries and wages and other operating expenditures is hereby decreased from \$2,327,068 to \$2,324,288.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on expenditures from the dependent care assistance program fund for salaries and wages and other operating expenditures is hereby increased from \$133,902 to \$225,935.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on the preventative health care program fund is hereby increased from \$333,815 to \$1,324,421.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on the other state fees fund is hereby increased from \$252,644 to \$336,456.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on the health committee insurance fund is hereby decreased from \$339,223 to \$253,788.

(h) On the effective date of this act, the position limitation established by section 99(a) of chapter 124 of the 2009 Session Laws of Kansas for the Kansas health policy authority is hereby increased from 272.70 to 279.65.

(i) On the effective date of this act, of the \$369,220,105 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 63(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$16,400,000 is hereby lapsed.

Sec. 21.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2010, 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 medicaid fund.....	No limit
Veterans' home medicaid fund.....	No limit

Sec. 22.

DEPARTMENT OF EDUCATION

(a) On the effective date of this act, 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 the education based on the amounts required to be paid pursuant to subsection (b)(2) of K.S.A. 8-272, and amendments thereto.

Sec. 23.

STATE BOARD OF REGENTS

(a) On and after the effective date of this act, during the fiscal year ending June 30, 2010, no expenditures shall be made by the state board of regents from any moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010, as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, K.S.A. 2009 Supp. 76-7,120, and amendments thereto, or any other statute, for any projects under the postsecondary educational institution infrastructure finance program: *Provided further*, That, notwithstanding the provisions of K.S.A. 74-8905, and amendments thereto, K.S.A. 2009 Supp. 76-7,120, and amendments thereto, or any other statute, no projects under the postsecondary educational institution infrastructure finance program are approved for the state board of regents 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, K.S.A. 2009 Supp. 76-7,120, and amendments thereto, or any other statute for any project under the postsecondary educational institution infrastructure finance program: *And provided further*, That, on and after the effective date of this act, during the fiscal year ending June 30, 2010, no bonds shall be issued by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, K.S.A. 2009 Supp. 76-7,120, and amendments thereto, or any other statute, for any projects under the postsecondary educational institution infrastructure finance program for the state board of regents.

(b) On and after the effective date of this act, during the fiscal year ending June 30, 2010, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund for fiscal year 2010 in the PEI infrastructure — debt service account of the state general fund for fiscal year 2010

after the principal payment has been received for fiscal year 2010 by the state treasurer from the postsecondary institutions that were recipients of the PEI infrastructure bond proceeds, (1) the state board of regents may expend the amount of moneys appropriated for fiscal year 2010 in the PEI infrastructure — debt service account for the principal payment from the PEI infrastructure — debt service account for any other purpose for which moneys are appropriated for fiscal year 2010 from the state general fund for the state board of regents; or (2) the state board of regents may transfer such amount of moneys from the PEI infrastructure — debt service account of the state general fund for fiscal year 2010 to an account or accounts of the state general fund of any institution under the control and supervision of the state board of regents to be expended by the institution for a purpose for which expenditures may be made for fiscal year 2010 from such account or accounts and which is approved by the state board of regents: *Provided*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the PEI infrastructure — debt service account of the state general fund for fiscal year 2010: *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.

Sec. 24.

KANSAS 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, 2010, all moneys now or hereafter lawfully credited to an available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation improvements fund.....	No limit
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Sec. 25.

DEPARTMENT OF CORRECTIONS

(a) On the effective date of this act, of the \$3,231,303 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 122(b) of chapter 124 of the 2009 Session Laws of Kansas from the correctional institutions building fund in the capital improvements — rehabilitation and repair of correctional institutions account, the sum of \$108,687 is hereby lapsed.

Sec. 26.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$687,500 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 83(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the incentive funding account, the sum of \$162,301 is hereby lapsed.

(b) On the effective date of this act, of the \$3,769,578 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 13(i) of chapter 144 of the 2009 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$914,847 is hereby lapsed.

Sec. 27.

ADJUTANT GENERAL

(a) On the effective date of this act, of the \$4,893,433 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 84(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$26,089 is hereby lapsed.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Civil air patrol — operating expenditures .....	\$4,231
Military activation payments.....	\$21,858

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$180,000 from the adjutant general's expense fund of the adjutant general to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the adjutant general expense fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the adjutant general 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 adjutant general 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, the director of accounts and reports shall transfer \$459,357 from the state general fund to the national guard museum assistance fund.

Sec. 28.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on the fire marshal fee fund is hereby decreased from \$3,650,981 to \$3,628,716.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 85(a) of chapter 124 of the 2009 Session Laws of Kansas on the hazardous materials emergency fund is hereby increased from \$238,000 to \$250,000.

Sec. 29.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, the Kansas highway patrol is authorized to make expenditures for fiscal year 2010 from the amount in excess of \$100 as of June 30, 2009, in the operating expenditures account of the state general fund that was reappropriated for fiscal year 2010 by section 87(a) of chapter 124 of the 2009 Session Laws of Kansas: *Provided*, That the Kansas highway patrol may make such expenditures for fiscal year 2010 from such reappropriated balance without first obtaining the approval of the state finance council pursuant to the second proviso to the appropriation of such reappropriated balance: *Provided further*, That the provisions of such proviso requiring the prior approval by the state finance council to make expenditures for fiscal year 2010 from such reappropriated balance are hereby declared to be null and void and shall be of no force and effect.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$220,025 from the highway patrol training center clearing fund to the highway patrol training center fund of the Kansas highway patrol.

Sec. 30.

KANSAS PAROLE BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Parole from adult correctional institutions..... \$28,090

Sec. 31.

STATE FAIR BOARD

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$186,283 from the state emergency fund — building damage May 23/25 2008 account of the state fair board to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state emergency fund — building damage May 23/25 2008 account to the state general fund as prescribed by law.

Sec. 32.

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, 2010, for the capital improvement project or projects specified, the following:

Kansas city district office — debt service..... \$8,419

(b) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2010, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2010 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Kansas city district office — debt service..... \$13,832

(c) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2010, expenditures may be made by the

above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2010 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Kansas city district office — debt service..... \$37,887

(d) In addition to the other purposes for which expenditures may be made by the department of wildlife and parks from the moneys appropriated from the state general fund or from any special revenue fund for fiscal years ending June 30, 2010, and June 30, 2011, expenditures shall be made by the department of wildlife and parks to open and maintain the west gate entrance at Tuttle Creek state park: *Provided*, That such gate shall be open on or before the effective date of this act.

Sec. 33.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on the agency operations account of the state highway fund is hereby decreased from \$278,651,194 to \$253,732,286.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$28,000,000 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2010 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2010: *And provided further*, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$10,000,000 from the state highway fund of the department of transportation to the state general fund, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, if 2010 House Bill No. 2130, 2010 House Bill No. 2437, 2010 Senate Bill No. 59 or 2010 Senate Bill No. 483, or any other legislation which requires primary seatbelt usage is not passed by the legislature during the 2010 regular session and enacted into law, then, (1) the director of accounts and reports shall not transfer \$10,000,000 from the state highway fund of the department of transportation to the state general fund, pursuant to this subsection, and (2) on July 1, 2010, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 34.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 14(a) of chapter 124 of the 2009 Session Laws of Kansas on the board of cosmetology fee fund is hereby increased from \$772,817 to \$788,017.

Sec. 35.

GOVERNOR'S DEPARTMENT

(a) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2010, in the governor's department account of the state general fund, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2010, as determined by the director of the budget after consultation with the director of legislative research and upon certifi-

cation to the director of accounts and reports, the amount equal to 5% of the amount so determined is hereby lapsed.

Sec. 36.

#### DEPARTMENT ON AGING

(a) On the effective date of this act, of the \$114,937,676 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 62(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account, the sum of \$861,550 is hereby lapsed.

Sec. 37.

#### STATE BANK COMMISSIONER

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 10(a) of chapter 124 of the 2009 Session Laws of Kansas on the bank commissioner fee fund of the state bank commissioner is hereby increased from \$8,231,690 to \$8,613,243.

Sec. 38.

#### STATE DEPARTMENT OF CREDIT UNIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on the credit union fee fund of the state department of credit unions is hereby increased from \$934,524 to \$949,324.

(b) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 15(a) of chapter 124 of the 2009 Session Laws of Kansas on the credit union fee fund of the state department of credit unions is hereby increased from \$895,096 to \$910,296.

Sec. 39.

#### STATE BOARD OF HEALING ARTS

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 13(a) of chapter 124 of the 2009 Session Laws of Kansas on the healing arts fee fund of the state board of healing arts is hereby increased from \$3,836,348 to \$4,027,385.

Sec. 40.

#### KANSAS DENTAL BOARD

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 16(a) of chapter 124 of the 2009 Session Laws of Kansas on the dental board fee fund of the Kansas dental board is hereby increased from \$366,774 to \$370,799.

Sec. 41.

#### BOARD OF EXAMINERS IN OPTOMETRY

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 20(a) of chapter 124 of the 2009 Session Laws of Kansas on the optometry fee fund of the board of examiners in optometry is hereby increased from \$139,977 to \$140,310.

Sec. 42.

#### BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 12(a) of chapter 124 of the 2009 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$595,421 to \$642,848.

Sec. 43.

#### 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, 2010, the following:

Assigned counsel expenditures .....	\$686,456
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*Provided*, That expenditures for indigents' defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Sec. 44.

#### LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:



Legislative coordinating council — operations ..... \$727,436  
*Provided*, That any unencumbered balance in the legislative coordinating council — operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Legislative research department — operations..... \$3,684,673  
*Provided*, That any unencumbered balance in the legislative research department — operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Office of revisor of statutes — operations ..... \$3,215,664  
*Provided*, That any unencumbered balance in the office of revisor of statutes — operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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

(c) Any unencumbered balance in the legislative reserve account of the legislative coordinating council in excess of \$100 as of June 30, 2010, is hereby reappropriated to the operations (including official hospitality) account of the legislature for fiscal year 2011.

Sec. 45.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operations (including official hospitality)..... \$16,086,660

*Provided*, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011:

*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, or of any subcommittee of any joint committee, during fiscal year 2011 unless such meeting is approved by the legislative coordinating council: *Provided, however*, That the aggregate amount of expenditures for meetings of any joint committee, or of any subcommittee of any joint committee, approved by the legislative coordinating council shall not exceed the costs of 80 days of such meetings as determined and approved by the legislative coordinating council : *And provided further*, That, notwithstanding the provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, no expenditures shall be made from this account for allowances under K.S.A. 46-137b, and amendments thereto, for more than the following number of days in connection with discharging the duties assigned to the respective legislative officers in addition to days during the regular session or any special session, or for days for attendance at interim committee meetings during fiscal year 2011: The president

of the senate and speaker of the house of representatives, not more than 30 days for each such officer; the majority and minority leaders of the senate and the house of representatives, not more than 20 days for each such officer; the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations, not more than 15 days for each such officer; the speaker pro tem of the house of representatives and vice-president of the senate, not more than 10 days for each such officer; the assistant majority and minority leaders of the senate and house of representatives, not more than 5 days for each such officer; and no days for any other legislator in a leadership position of the senate or house of representatives: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2011: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2011: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2011: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2011: *And provided further*, That the director of the legislative administrative services shall seek private donations for the finishing of the statehouse visitors center once the director of legislative administrative services has been informed of the date that the statehouse renovation project is to be completed.

Legislative redistricting ..... \$95,000  
*Provided*, That any unencumbered balance in the legislative redistricting account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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, or of any subcommittee of any joint committee, during fiscal year 2011 unless such meeting is approved by the legislative coordinating council: *Provided, however*, That the aggregate amount of expenditures for meetings of any joint committee, or of any subcommittee of any joint committee, approved by the legislative coordinating council shall not exceed the costs of 80 days of such meetings as determined and approved by the legislative coordinating council : *And provided further*, That, notwithstanding the provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, no expenditures shall be made from this fund for allowances under K.S.A. 46-137b, and amendments thereto, for more than the following number of days in connection with discharging the duties assigned to the respective legislative officers in addition to days during the regular session or any special session, or for days for attendance at interim committee meetings during fiscal year 2011: The president of the senate and speaker of the house of representatives, not more than 30 days for each such officer; the majority and minority leaders of the senate and the house of representatives, not more than 20 days for each such officer; the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations, not more than 15 days for each such officer; the speaker pro tem of the house of representatives and vice-president of the senate, not more than 10 days for each such officer; the assistant majority and minority leaders of the senate and house of representatives, not more than 5 days for each such officer; and no days for any other legislator in a leadership position of the senate or house of representatives: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2011: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2011: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2011: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2011: *And provided further*, That the director of the legislative administrative services shall seek private donations for the finishing of the statehouse visitors center once the director of legislative administrative services has been informed of the date that the statehouse renovation project is to be completed.

Capitol restoration — gifts and donations fund ..... No limit

(c) As used in this section, "joint committee" includes the joint committee on rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, legislative educational planning committee, joint committee on economic development, joint committee on state building construction, joint committee on the arts and cultural resources, joint committee on information

technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, workers compensation fund oversight committee, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, joint committee on children's issues, compensation commission, joint committee on Kansas security, 2010 commission, joint committee on health policy oversight, state employee pay plan oversight committee, joint committee on energy and environmental policy, joint committee on home and community based services oversight, capitol restoration commission, Kansas criminal code recodification commission, Kansas DUI commission, redistricting advisory group, and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

Sec. 46.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operations (including legislative post audit committee) ..... \$2,136,995  
*Provided*, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund..... No limit  
*Provided*, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: *Provided further*, That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further*, That the division of post audit is hereby authorized to fix, charge and collect fees for the costs of financial-compliance audits under K.S.A. 46-1106, and amendments thereto: *And provided further*, That such fees shall be fixed to recover the expenses incurred for financial-compliance audits under K.S.A. 46-1106, and amendments thereto: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the audit services fund.  
 Conversion of materials and equipment fund ..... No limit  
 State agency audits fund..... No limit

Sec. 47.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Governor's department ..... \$2,165,393  
*Provided*, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence prevention grants ..... \$3,754,515  
*Provided*, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers ..... \$876,170  
*Provided*, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*,

That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

(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, 2011, 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, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Special programs fund ..... No limit

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

Hispanic and Latino American affairs fee fund ..... No limit

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. 48.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operations ..... \$191,390

*Provided*, That any unencumbered balance in the operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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, 2011, 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, 2011, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 49.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$2,020,652

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs ..... \$82,911

*Provided*, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Internet training education for Kansas kids ..... \$310,522

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the internet training education for Kansas kids account is hereby reappropriated for fiscal year 2011.

Abuse, neglect and exploitation unit ..... \$96,789

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures may be made by the attorney general from the abuse, neglect and exploitation unit account pursuant to contracts with other agencies or organi-

zations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.

Domestic violence prevention grants ..... \$200,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 \$434,368: *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: *Provided further*, That, notwithstanding the provisions of K.S.A. 21-3851, and amendments thereto, or any other statute, expenditures may be made from the medicaid fraud prosecution revolving fund for other operating expenditures of the attorney general's office other than for medicaid fraud prosecution costs.

Interstate water litigation fund .....	No limit
<i>Provided</i> , 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
Tobacco master settlement agreement compliance fund .....	No limit
Sexually violent predator expense fund .....	No limit
False claims litigation revolving fund .....	No limit
<i>Provided</i> , That expenditures may be made from the false claims litigation revolving fund for costs associated with litigation under the Kansas false claims act, K.S.A. 2009 Supp. 75-7501 et seq., and amendments thereto.	
VAWA ARRA federal fund .....	No limit
Victims of crime act ARRA federal fund .....	No limit
JAG ARRA federal fund .....	No limit
Project safe neighborhood 2009 federal fund .....	No limit
Project safe neighborhood multi federal fund .....	No limit
Project safe neighborhood 2006 federal fund .....	No limit
Project safe neighborhood 2007 federal fund .....	No limit
Congressional earmark COPS meth initiative federal fund .....	No limit
KDOT DUI prosecutor federal fund .....	No limit
GTEAP federal fund .....	No limit
Criminal justice federal fund .....	No limit

(c) During the fiscal year ending June 30, 2011, 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, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$475,985 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.

(e) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 21-3851, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$578,605 from the medicaid fraud prosecution revolving fund of the attorney general to the interstate water litigation fund of the attorney general.

(f) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$578,605 from the court cost fund of the attorney general to the interstate water litigation fund of the attorney general.

(g) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$20,000 from the court cost fund of the attorney general to the sexually violent predator expense fund of the attorney general.

(h) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 21-3851, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,450,000 from the medicaid fraud prosecution revolving fund of the attorney general to the court cost fund of the attorney general.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special



revenue fund or funds for fiscal year 2011 for the above agency, expenditures may be made by the attorney general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 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 the purposes of financing interstate water litigation activities: *Provided*, That such interstate water litigation activities are hereby approved for the attorney general 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 2011: *Provided, however*, That the amount of the bond proceeds that may be utilized for any such interstate water litigation activities 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 expenditures from the bond proceeds shall not exceed \$19,000,000 for such water litigation activities, plus 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 above agency for which the bonds are issued: *And provided further*, That payments relating to principal and interest on such bonds should first be made from proceeds received from such interstate water litigation activities.

Sec. 50.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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

(b) During the fiscal year ending June 30, 2011, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2011 by the above agency by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amend-

ments thereto, of any constitutional amendment that is introduced by the legislature during the 2011 regular session of the legislature.

Sec. 51.

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, 2011, 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..... \$1,558,756

*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 2011, the state treasurer is hereby authorized and directed to credit the first \$1,558,756 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 2011 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 2011 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, 2011, 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, 2011, 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.

Special qualified industrial manufacturer fund ..... No limit  
*Provided*, That, notwithstanding the provisions of K.S.A. 2009 Supp. 74-50,122, and amendments thereto, or any other statute, the special qualified industrial manufacturer fund shall be maintained in the state treasury and shall be administered by the state treasurer for the purposes of the qualified industrial manufacturer act: *Provided further*, That on the 15th day of each month that commences during fiscal year 2011, 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 industrial 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 industrial manufacturer fund established by this subsection: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the special qualified industrial manufacturer fund interest earnings based on: (1) The average daily balance of moneys in the special qualified industrial 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 industrial manufacturer fund from the withholding taxes paid by a qualified industrial manufacturer shall be paid by the state treasurer to such qualified industrial 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. 2009 Supp. 74-50,122, and amendments thereto, by the secretary of commerce and such qualified industrial manufacturer: *And provided further*, That not more than \$2,000,000 shall be paid from the special qualified industrial manufacturer fund established by this subsection by the state treasurer to a qualified industrial manufacturer: *And provided further*, That the words and phrases used in these provisos to appropriation of moneys in the special qualified industrial manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 2009 Supp. 74-50,121, and amendments thereto, unless the context requires otherwise.

Kansas postsecondary education savings program trust fund ..... \$265,000

*Provided*, That notwithstanding the provisions of subsection (f) of K.S.A. 2009 Supp. 75-650, and amendments thereto, or any other statute, moneys are hereby appropriated for the fiscal year ending June 30, 2011, for the purpose of matching contributions of qualified applicants approved between January 1, 2010, and June 30, 2010.

Kansas postsecondary education savings program expense fund ..... \$346,043

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

Tax increment financing revenue replacement fund ..... No limit

Spirit bonds fund ..... No limit

*Provided*, That, on the 15th day of each month that commences during fiscal year 2011, 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. 2009 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 2011, 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. 2009 Supp. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction assistance fund.....	\$0
Telecommunications and railroad machinery and equipment tax reduction assistance fund.....	\$0
Community improvement district sales tax fund.....	No limit

(b) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury: *Provided, however*, That, for each such remittance deposited in the state treasury during fiscal year 2011, the state treasurer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: *Provided further*, That the state treasurer shall credit 20% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the remainder of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (3) the amount equal to 16% of the remainder of such deposit shall be credited to the fire service training program fund of the university of Kansas: *And provided further*, That the amount of each such deposit that is credited 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, the emergency medical services board, and the fire service training program of the university of Kansas by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That, whenever in fiscal year 2011 the aggregate amount that the 20% credit to the state general fund prescribed by this subsection is equal to \$200,000, then (1) the provisions of this subsection prescribing the 20% credit to the state general fund no longer shall apply to moneys received pursuant to K.S.A. 75-1508, and amendments thereto, and (2) for the remainder of fiscal year 2011, the state treasurer shall credit the full 100% so received of each such deposit as follows: (A) The amount equal to 64% of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (B) the amount equal to 20% of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (C) the amount equal to 16% of such deposit shall be credited to the fire service training program fund of the university of Kansas.

Sec. 52.

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, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Insurance department service regulation fund.....	No limit
<i>Provided</i> , That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500: <i>Provided further</i> , That transfers may be made from this fund to the insurance department rehabilitation and repair fund of the insurance department.	
Insurance company examination fund.....	No limit
<i>Provided</i> , That transfers may be made from the insurance company examination fund to the insurance department rehabilitation and repair fund of the insurance department.	
Insurance company annual statement examination fund.....	No limit
Insurance company examiner training fund.....	No limit

Conversion of materials and equipment fund ..... No limit  
 Commissioner’s travel reimbursement fund ..... No limit  
*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 ..... K.S.A. 40-1706, and amendments thereto, No limit  
*Provided*, That notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, transfers may be made from the state firefighters relief fund to the insurance department rehabilitation and repair fund of the insurance department: *Provided further*, That, pursuant to provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, one or more transfers may be made during fiscal year 2011 from the state firefighters relief fund to the insurance department service regulation fund to repay the amount that was borrowed for the special distribution in FY 2008 pursuant to section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, relating to the overpayment to the firefighters relief association for Manhattan, KS: *And provided further*, That, as used in this proviso, (1) “2011 formula amount” means the amount determined in accordance with the formula and other provisions of K.S.A. 40-1706, and amendments thereto, for the firefighters relief association for Manhattan, KS, for fiscal year 2011, (2) “2008 payment amount” means the amount actually paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2008, and (3) “2011 repayment amount” means the difference between the 2011 formula amount and the 2008 payment amount: *And provided further*, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, the amount of the distribution to be paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2011 shall not exceed the 2008 payment amount: *And provided further*, That the commissioner of insurance shall certify the 2011 repayment amount to the director of accounts and reports and the outstanding amount that remains to be repaid to the insurance department service regulation fund pursuant to provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas after the transfer to the insurance department service regulation fund pursuant to this proviso: *And provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount equal to the 2011 repayment amount from the state firefighters relief fund to the insurance department service regulation fund: *And provided further*, That, at the same time that the commissioner of insurance transmits such certification to the director of accounts and reports, the commissioner of insurance shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

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: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 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 2011, other than moneys appropriated by this or other appropriation act of the 2010 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 2011 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

*Provided*, That moneys may be transferred or otherwise credited to the settlements fund as the result of or pursuant to court orders under K.S.A. 40-3644, and amendments thereto, court-ordered settlements, or legislative authority: *Provided further*, That expenditures from the settlements fund shall be made for the purpose of providing consumer education and outreach or for costs that the insurance department may incur in closeout of any troubled insurance company matters.

(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 2011 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 2011 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.

(c) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or of any other statute, the director of accounts and reports shall transfer \$5,000,000 from the insurance department service regulation fund 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. 53.

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, 2011, 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
Conference fee fund .....	No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2011, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures .....	\$1,658,928
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*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

Sec. 54.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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

(b) On June 30, 2011, 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, 2011, 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. 55.

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, 2011, the following:

Operating expenditures .....	\$11,038,882
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$8,103,156  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2011: *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..... \$2,187,458  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the capital defense operations account is hereby reappropriated for fiscal year 2011: *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..... \$293,073

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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.  
 ARRA public defenders grant fund ..... No limit  
 JAG grant server backup/recovery fund ..... No limit

(c) During the fiscal year ending June 30, 2011, 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, 2011, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2011 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. 56.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Judiciary operations..... \$100,914,087  
*Provided*, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That 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: *And provided further*, That for the fiscal year ending June 30, 2011, the costs of printing advance sheets and bound



volumes of opinions of the supreme court and the court of appeals shall first be paid from the fees collected for the sale of advance sheets and the bound volumes of opinions and after all such fees are expended for such purpose, any remaining costs of printing shall be paid from moneys appropriated in the judiciary operations account of the state general fund for fiscal year ending June 30, 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund .....	No limit
Judiciary technology fund .....	No limit
Judicial branch gifts fund .....	No limit
Dispute resolution fund .....	No limit
Judicial branch education fund.....	No limit
<i>Provided</i> , That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: <i>Provided further</i> , That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: <i>And provided further</i> , That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.	
Conversion of materials and equipment fund .....	No limit
Child welfare federal grant fund .....	No limit
Child support enforcement contractual agreement fund .....	No limit
Bar admission fee fund .....	No limit
Permanent families account — family and children investment fund.....	No limit
Duplicate law book fund .....	No limit
Court reporter fund.....	No limit
Access to justice fund.....	No limit
Judicial technology and building and grounds fund.....	No limit
Judicial branch nonjudicial salary initiative fund .....	No limit
Judicial branch nonjudicial salary adjustment fund .....	No limit
Federal grants fund.....	No limit
District magistrate judge supplemental compensation fund.....	No limit
Judicial branch surcharge fund.....	No limit
Correctional supervision fund .....	No limit

Sec. 57.

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, 2011, the following:

13th retirement check — debt service.....	\$3,213,748
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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, 2011, 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 invest- ment fund .....	No limit
Non-retirement administration fund.....	No limit

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

KDFA series 2003H bond debt service fund.....	No limit
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*Provided*, That notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939, and amendments thereto, and K.S.A. 74-4967, and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be deposited in the KDFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2011: *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, 2011.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2011, for the following specified purposes:

Agency operations.....	\$8,803,613
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*Provided*, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses .....	No limit
KPERS technology project .....	No limit

(d) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2011, for the following specified purposes:

Agency operations.....	\$82,177
Investment-related expenses .....	No limit

(e) On July 1, 2010, 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, 2010, by the director of accounts and reports from the Kansas endowment for youth fund to the children’s initiatives fund is hereby increased to \$58,118,748.

Sec. 58.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures .....	\$1,406,696
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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, 2011, 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. 59.

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, 2011, 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 2012 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 2012, 2013 and 2014.

Energy grants management federal fund — ARRA..... No limit  
*Provided*, That the state corporation commission is hereby designated as the state agency to receive moneys from federal agencies for energy conservation and other energy related activities under the federal American recovery and reinvestment act of 2009, as amended: *Provided, further*, That, whenever moneys are received by the state corporation commission from federal agencies for energy conservation and other energy-related activities under the federal American recovery and reinvestment act of 2009, as amended, such moneys shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy grants management federal fund — ARRA.

Gas pipeline safety program special one call — federal fund ..... No limit  
 State electricity regulators assistance — ARRA federal fund..... No limit  
 Energy efficiency revolving loan program — ARRA federal fund ..... No limit  
*Provided*, That expenditures may be made from the energy efficiency revolving loan program

— ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: *Provided further*, That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: *And provided further*, That loans under such program shall be made at an interest rate established by the state corporation commission: *And provided further*, That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons as may be necessary to administer the energy efficiency revolving loan program: *And provided further*, That any person who agrees to receive money from the energy efficiency revolving loan program — ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program — ARRA federal fund: *And provided further*, That moneys repaid to the energy efficiency revolving loan program moneys shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program — ARRA federal fund: *And provided further*, That, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program — ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program — ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

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: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 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 2011, other than moneys appropriated by this or other appropriation act of the 2010 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, 2011, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund shall not exceed, in the aggregate, \$16,468,621: *Provided*, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2011 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, \$2,000.

(c) Expenditures for the fiscal year ending June 30, 2011, 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, 2011, 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. 2009 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) During the fiscal year ending June 30, 2011, 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.

(f) (1) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2011 for the state corporation commission as authorized by this or other appropriation act of the 2010 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2011 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 for fiscal year 2011 shall not exceed \$100,000.

(2) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2012 for the state corporation commission as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority, if the total expenditures for such purpose authorized by the expenditure limitation prescribed by this subsection (f) for fiscal year 2011 are not expended or encumbered for fiscal year 2011, then the amount equal to the amount of such unexpended or encumbered expenditure authority for fiscal year 2011 remaining may be expended by the state corporation commission from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority and any such expenditures for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the public service regulation fund for expenses incurred by the Kansas electric transmission authority for fiscal year 2012.

Sec. 60.

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, 2011, 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..... \$807,710

(b) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, 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.

(c) During the fiscal year ending June 30, 2012, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund for fiscal year 2012 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2011, then the amount equal to the amount of such expenditure authority for fiscal year 2011 remaining may be expended from the utility regulatory fee fund for fiscal year 2012 pursuant to contracts for professional services and any such expenditure for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2012.

Sec. 61.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

General administration ..... \$974,220

*Provided*, That any unencumbered balance in the general administration account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the general administration account for three employees in the unclassified service under the Kansas civil service act: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Department of administration systems..... \$2,172,614

*Provided*, That any unencumbered balance in the department of administration systems account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures from the department of administration systems account for official hospitality shall not exceed \$1,000.

Personnel services..... \$1,773,822

*Provided*, That any unencumbered balance in the personnel services account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Purchasing..... \$481,184

*Provided*, That any unencumbered balance in the purchasing account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Budget analysis..... \$1,278,517

*Provided*, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: *And pro-*

*vided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Facilities management ..... \$55,037

*Provided*, That any unencumbered balance in the facilities management account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Accounts and reports ..... \$1,786,894

*Provided*, That any unencumbered balance in the accounts and reports account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Public broadcasting council grants ..... \$1,806,322

*Provided*, That any unencumbered balance in the public broadcasting council grants account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$36,140,952

Public broadcasting digital conversion debt service ..... \$609,200

Policy analysis initiatives ..... \$156,122

*Provided*, That any unencumbered balance in the policy analysis initiatives account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$5,000.

Long-term care ombudsman ..... \$262,295

*Provided*, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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. 2009 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
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, 2010, 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, 2011, 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 2011 by this or other appropriation act of the 2010 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 2011 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, 2010, 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, 2011, except that such amount shall be proportionally adjusted during fiscal year 2011 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2011. 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 2010 and fiscal year 2011 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2011 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2011, 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 2011.

(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 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, 2010, 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, 2011, except that such amount shall be proportionally adjusted during fiscal year 2011 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2011. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2011 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2011, 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 2011.

(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, 2010, 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, 2011, except that such amount shall be proportionally adjusted during fiscal year 2011 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2011. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2011 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2011, 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 2011.

(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, 2010, 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 ex-

penditure by the children’s cabinet during the fiscal year ending June 30, 2011, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2011 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2011, 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 2011.

(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 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) During the fiscal year ending June 30, 2011, 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, 2011, from the state general fund for the department of administration to another item of appropriation for fiscal year 2011 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.

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

SIBF — state building insurance .....	\$105,000
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*Provided*, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the SIBF — state building insurance account of the state institutions building fund for state building insurance premiums.

(l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2011, the following:

CIBF — state building insurance .....	\$85,000
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*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.

(m) On July 1, 2010, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2011, 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 2011 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.

(n) (1) On July 1, 2010, 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, 2010, 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, 2010, 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 (n), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2011.

(3) (A) (i) Prior to August 15, 2010, 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 2011 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 2011.

(ii) On or before June 30, 2011, 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 2011, 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 (n)(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, 2010, 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 2010 and which were not reappropriated for fiscal year 2011, as determined by the director of the budget: *Provided*, That, as used in this subsection (n)(3)(B), "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 2010 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 2010 regular session of the legislature.

(C) Prior to August 15, 2010, 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, 2009, that were released during fiscal year 2010, and that were not specifically reappropriated by an appropriation act of the 2010 regular session of the legislature.

(4) (A) On August 15, 2010, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(i), the appropriation for fiscal year 2011 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2011, by this or other appropriation act of the 2010 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(i).

(B) On June 30, 2011, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(ii), the appropriation for fiscal year 2011 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2011, by this or other appropriation act of the 2010 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(ii).

(5) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to subsection (n)(3), the director of the budget shall transmit a copy of such certification to the director of legislative research.

(6) (A) Prior to August 15, 2010, 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 (n): *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 (n). 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, 2010, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (n)(6), the appropriation for fiscal year 2011 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, 2011, by this or other appropriation act of the 2010 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (n)(6).

(7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (n), 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 2011.

(8) (A) On or before September 1, 2010, after receipt of each certification by the director of the budget pursuant to this subsection (n), 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 (n)(3) and subsection (n)(6) in accordance with such certifications.

(B) On September 1, 2010, 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, 2010, 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 (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2011.

(D) On or before June 30, 2011, after receipt of each certification by the director of the budget pursuant to subsection (n)(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 (n)(3)(A)(ii) in accordance with such certifications.

(E) On June 30, 2011, 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, 2011, 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 (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2011.

(G) On June 30, 2011, 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 (n) and all reductions and adjustments thereto made pursuant to this subsection (n). 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.

(9) As used in this subsection (n), "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.

(10) The provisions of this subsection (n) 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 (n);

(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 (n), 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.

(11) 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 (n), 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.

(12) On or after July 1, 2010, 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.

(o) During the fiscal year ending June 30, 2011, 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 2011 by this or other appropriation act of the 2010 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 2011, 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. 2009 Supp. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 2009 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.

(p) During the fiscal year ending June 30, 2011, 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 2011 as authorized by this or other appropriation act of the 2010 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 2011, 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. 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. 62.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Administrative hearings office fund.....	No limit
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Sec. 63.

STATE COURT OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures.....	\$1,348,927
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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
COTA filing fee fund.....	\$681,777



Sec. 64.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$15,922,517

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: 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, 2011, 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 ..... \$46,611,647

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, 2011: 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

Division of vehicles modernization fund ..... No limit

Kansas retail dealer 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

Tax amnesty recovery 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 court of tax appeals under K.S.A. 79-1479, and amendments thereto.

Special training fund ..... No limit

Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: Provided further, That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: And provided further, That all fees received for conferences, training seminars, workshops and

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

Recovery fund for enforcement actions and attorney fees.....	No limit
Federal commercial motor vehicle safety fund.....	No limit
Homeland security reimbursement fund .....	No limit
Earned income tax credits — TANF — federal 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</i> , That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.	
County and city retailers sales tax clearing fund — county and city sales tax .....	No limit
City and county compensating use tax clearing fund .....	No limit
County and city transient guest tax clearing fund .....	No limit
Automated tax systems fund .....	No limit
Dyed diesel fuel fee fund .....	No limit
Electronic databases fee fund .....	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.	
Photo fee fund .....	No limit
<i>Provided</i> , That expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of implementing Chapter 5 and Chapter 63 of the 2003 Session Laws of Kansas.	
Estate tax abatement refund fund .....	No limit
Distinctive license plate fund .....	No limit
Repossessed certificates of title fee fund .....	No limit
Hazmat fee fund .....	No limit
Intra-governmental service fund .....	No limit
Community improvement district sales tax administration fund .....	No limit
Community improvement district sales tax refund fund .....	No limit
Community improvement district sales tax clearing fund .....	No limit
Drivers license first responders indicator federal fund .....	No limit

(c) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, the director of accounts and reports shall transfer \$11,266,597 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, 2010, 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, 2010, 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) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$1,000,000 from the state emergency fund — southeast Kansas business recovery account of the department of revenue to the state general fund.

(g) During the fiscal year ending June 30, 2011, after consultation with the state treasurer and the secretary of revenue, the director of the budget shall determine when \$350,000 has been recovered under the tax amnesty program of the department of revenue and deposited in the state treasury to the credit of the state general fund: *Provided*, That, upon determining that \$350,000 has been recovered under the tax amnesty program and deposited to the credit of the state general fund, the director of the budget shall certify that finding to the director of accounts and reports and shall transmit a copy of such certification to the director of legislative research: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer \$350,000 from the state general fund to the tax amnesty recovery fund for operating expenditures for the tax amnesty program of the department of revenue: *And provided further*, That, expenditures from the tax amnesty recovery fund for new personnel for the tax amnesty program of the department of revenue shall not exceed 7.00 full-time equivalent positions.

Sec. 65.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 July 15, 2010, and on or before the 15th of each month thereafter through June 15, 2011: *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, 2011: *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 2011 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 June 15, 2011, 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 2011 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 2011 is equal to or more than \$70,400,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2011 pursuant to this subsection shall be equal to or more than \$70,400,000: *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 2011.

(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, 2011, 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. 2009 Supp. 74-8724, and amendments thereto, during fiscal year 2011: *Pro-*

vided, 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 25, 2011, 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. 2009 Supp. 74-8724, and amendments thereto, during fiscal year 2011: *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. 2009 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.

(e) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys that are credited to the expanded lottery act revenues fund from the expanded lottery act revenues fund to the state general fund within 10 days after such moneys are credited to the expanded lottery act revenues fund: *Provided*, That the transfer of such amounts shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law: *Provided further*, That the moneys transferred from the expanded lottery act revenues 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 department of revenue, and other state agencies, by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 66.

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, 2011, 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 .....	No limit
<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
<i>Provided</i> , That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to subsection (b) of K.S.A. 2009 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: <i>Provided further</i> , 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. 2009 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, 2011, for official hospitality shall not exceed \$1,500.	
Expanded lottery act regulation fund .....	No limit

*Provided*, That expenditures from the expanded lottery act regulation fund for the fiscal year ending June 30, 2011, 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
Gaming machine examination fund .....	No limit
Gaming background investigation fund.....	No limit
Horse purse fund .....	No limit
Education and training fund.....	No limit

*Provided*, That expenditures may be made from the education and training fund for operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: *Provided further*, That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service 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 hosting or providing such training, in-service workshops and conferences: *And provided further*, That all fees received for hosting or providing such training, in-service 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 education and training fund.

(b) On July 1, 2010, 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, 2011, 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 2011 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 2011 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, 2011, 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.

(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 2011 for the Kansas racing and gaming commission by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2011 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, 2011, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and (2) shall transfer on or before June 30, 2011, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending

June 30, 2011, 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, 2011, 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.

Sec. 67.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Older Kansans employment program .....	\$294,651
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2010, in the older Kansans employment program account is hereby reappropriated for fiscal year 2011.	
Rural opportunity program .....	\$1,752,035
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2010, in the rural opportunity program account is hereby reappropriated for fiscal year 2011.	
Senior community service employment program.....	\$3,941
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2010, in the senior community service employment program account is hereby reappropriated for fiscal year 2011.	
Senior community service employment program — ARRA match.....	\$5,200
Kansas commission on disability concerns .....	\$192,292
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2010, in the Kansas commission on disability concerns account is hereby reappropriated for fiscal year 2011.	
Strong military bases program.....	\$307,050
Operating grant (including official hospitality) .....	\$13,038,871
<i>Provided</i> , That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , That expenditures may be made from the operating grant (including official hospitality) account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: <i>And provided further</i> , That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce: <i>And provided further</i> , That during fiscal year 2011, 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 2011
Jobs created or retained by projects utilizing KDOC assistance	29,125
Payroll generated by projects utilizing KDOC assistance	\$660,103,373
Capital investment in Kansas resulting from projects utilizing KDOC assistance	\$1,115,861,204
Funds leveraged through match in projects utilizing KDOC assistance	\$300,346,932
Individuals trained through workforce development programs	57,200
Sales generated by projects utilizing KDOC assistance	\$131,822,742
Visitations at state managed travel information centers	205,000
Kansans served with counseling, technical assistance or business services	152,575
Number of communities receiving community assistance services	101
Number of grants provided to Kansas businesses, communities, and families	215
Number of businesses impacted by funding from KDOC	3,975

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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
Community development block grant administration ARRA — 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the fiscal year 2011, other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature.

National main street center fund.....	No limit
IMPACT program services fund .....	No limit
IMPACT program repayment fund.....	No limit
Kansas partnership fund .....	No limit

*Provided*, That the interest rate on any loan made from the Kansas partnership fund shall be annually indexed to the federal discount rate.

General fees fund .....	No limit
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*Provided*, That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of com-



merce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.

Market development fund..... No limit

*Provided*, That expenditures may be made from the market development fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: *Provided further*, That all moneys received by the department of commerce for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the market development fund.

Kansas economic opportunity initiatives fund..... No limit

Kansas existing industry expansion fund..... No limit

*Provided*, That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: *Provided further*, That all moneys received by the department of commerce for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas existing industry expansion fund.

Athletic fee fund..... No limit

WIA adult — federal fund..... No limit

WIA youth — federal fund..... No limit

WIA dislocated worker — federal fund..... No limit

Trade adjustment assistance — federal fund..... No limit

Veterans assistance program — federal fund..... No limit

Local veterans employment representative — federal fund..... No limit

Disabled veterans outreach program — 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

Labor certification foreign workers — federal fund..... No limit

USDA cooperative — federal fund..... No limit

Work opportunity tax credit — federal fund..... No limit

American job link alliance — federal fund..... No limit

Early childhood associate apprenticeship program — federal fund..... No limit

USDA rural business opportunity — federal fund..... No limit

Shared youth vision — federal fund..... No limit

Modernization apprentice — federal fund..... No limit

Greensburg — NEG — federal fund..... No limit

Workforce development — WIRED — federal fund..... No limit

Disability Program Navigator — federal fund..... No limit

Registered apprenticeship works — federal fund..... No limit

Neighborhood stabilization program — federal fund..... No limit

Green jobs grant ARRA — federal fund..... No limit

Enterprise facilitation fund..... No limit

Connected nation ARRA — federal fund..... No limit

(c) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2011, 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 2011, in accordance with the provisions of this or other appropriation act of the 2010 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.

(d) 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 2011 for the department of commerce as authorized by this or other appropriation act of the 2010 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 2011 for official hospitality.

(e) On August 15, 2010, and December 15, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$625,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.

(f) On July 1, 2010, the WIA — federal fund of the department of commerce is hereby redesignated as the WIA adult — federal fund of the department of commerce.

(g) On July 1, 2010, the veterans assistance programs — federal fund of the department of commerce is hereby redesignated as the veterans assistance program — federal fund of the department of commerce.

Sec. 68.

KANSAS, INC.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Operations (including official hospitality) .....	\$346,904
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*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the operations (including official hospitality) account is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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. 69.

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, 2011, the following:

Operations, assistance and grants (including official hospitality) .....	\$5,990,000
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*Provided*, That any unencumbered balance in the operations, assistance and grants (including official hospitality) account as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures from the operations, assistance and grants (in-

cluding official hospitality) account for the fiscal year 2011 for salary and wages shall not exceed \$834,475.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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, 2011, by this or other appropriation act of the 2010 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. 09-04, which was filed with the secretary of state and was effective on June 26, 2009, or a succeeding executive order of the governor for fiscal year 2011.

(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 2011 for the Kansas technology enterprise corporation as authorized by this or other appropriation act of the 2010 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 2011, 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 2011, that are equivalent to the provisions of the governor's executive order no. 09-04, or a succeeding executive order of the governor for fiscal year 2011, 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 2011.

Sec. 70.

KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 housing trust fund .....	No limit
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*Provided*, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation pursuant to K.S.A. 12-5246 and K.S.A. 2009 Supp. 12-5242 and 12-5252 through 12-5258, and amendments thereto: *Provided further*, That, notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, or any other statute, the Kansas housing resources corporation may make expenditures from the state housing trust fund for the purposes of implementing and administering the provisions of K.S.A. 2009 Supp. 12-5252 through 12-5258, and amendments thereto, the Kansas rural housing incentive district act.

Sec. 71.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures .....	\$443,415
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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, 2011, 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, 2011, 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 .....	\$13,623,116
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 \$10,000.	
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 .....	\$394,095
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 2011 as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2011 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 2011 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 \$2,646,150.

(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 2011, expenditures may be made by the above agency from the special employment security fund for fiscal year 2011 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 2011 for such capital improvement purposes shall not exceed \$99,625: *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 2011.

(e) During the fiscal year ending June 30, 2011, and the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from the state general fund or any special revenue fund for the department of labor for fiscal year 2011 or fiscal year 2012 by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of

labor from the state general fund or from any special revenue fund for fiscal year 2011 and for fiscal year 2012, to establish a pilot program of alternatives to layoffs, in accordance with the provisions of Kansas Administrative Regulation No. 1-1-5, which establishes alternatives to layoffs: *Provided*, That such pilot program may be implemented and pursued only after the development and approval of a layoff plan for the department of labor pursuant to the provisions of the administrative regulations contained in Article 14 of the Kansas Administrative Regulations: *Provided further*, That on or before June 30, 2012, the secretary of labor shall submit a report to the secretary of administration detailing the impacts, outcomes, results, lessons learned and any recommendations regarding the future use of the policies developed and tested through use of the pilot project of alternatives to layoffs.

Sec. 72.

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, 2011, the following:

Operating expenditures — veteran services ..... \$1,173,050  
*Provided*, That any unencumbered balance in the operating expenditures — veterans services account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Operations — state veterans cemeteries ..... \$534,196  
*Provided*, That any unencumbered balance in the operations — state veterans cemeteries account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures — Kansas soldiers' home ..... \$2,073,061  
*Provided*, That any unencumbered balance in the operating expenditures — Kansas soldiers' home account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Operating expenditures — Kansas veterans' home..... \$2,629,019  
*Provided*, That any unencumbered balance in the operating expenditures — Kansas veterans' home account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Scratch lotto — Kansas veterans' home ..... \$123,055  
 Scratch lotto — veterans services ..... \$488,687  
*Provided*, That, notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, expenditures from the scratch lotto — veterans services account may be used for normal program operations and implementation of the enhanced services delivery program for the fiscal year ending June 30, 2011.

Scratch lotto — Kansas soldiers' home ..... \$90,361  
 Scratch lotto — veterans cemeteries..... \$210,394

Operating expenditures — administration..... \$469,119  
*Provided*, That any unencumbered balance in the operating expenditures — administration account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Veterans claim assistance program — service grants..... \$465,381  
*Provided*, That any unencumbered balance in the veterans claim assistance program — service grants account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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, 2011, 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 .....	\$1,644,916
Soldiers' home benefit fund .....	No limit
Soldiers' home work therapy fund .....	No limit
Soldiers' home medicare fund .....	\$288,000
Soldiers' home medicaid fund .....	\$270,000
Soldiers' home canteen fund .....	No limit
Veterans' home medicare fund .....	\$188,000
Veterans' home medicaid fund .....	\$360,000
Veterans' home fee fund .....	\$3,495,481
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 .....	\$56,400
Veterans home federal fund .....	\$2,958,598
Soldiers home federal fund .....	\$2,382,332
Commission on veterans affairs federal fund .....	\$206,208
Kansas veterans memorials fund .....	No limit
Vietnam war era veterans' recognition award fund .....	No limit

Sec. 73.

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, 2011, the following:

Operating expenditures (including official hospitality) .....	\$3,739,891
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of health in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Operating expenditures (including official hospitality) — health .....	\$4,456,157
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) — health account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Vaccine purchases .....	\$837,022
<i>Provided</i> , That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Aid to local units .....	\$4,805,709
<i>Provided</i> , That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.	
Aid to local units — primary health projects .....	\$7,243,065
<i>Provided</i> , That any unencumbered balance in the aid to local units — primary health projects account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , That prescription support expenditures shall be made from the aid to local units — primary health projects 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 section 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: *And provided further*, That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted.

Aid to local units — family planning ..... \$97,400

*Provided*, That any unencumbered balance in the aid to local units — family planning account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011:

*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 ..... \$462,146

*Provided*, That any unencumbered balance in the immunization programs account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Breast cancer screening program ..... \$226,557

*Provided*, That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Ryan White matching funds ..... \$49,252

*Provided*, That any unencumbered balance in the Ryan White matching funds account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Youth mentoring program ..... \$50,368

*Provided*, That any unencumbered balance in the youth mentoring program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Coordinated school health program ..... \$467,202

*Provided*, That any unencumbered balance in the coordinated school health program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Cerebral palsy posture seating ..... \$105,537

*Provided*, That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

PKU treatment ..... \$207,480

*Provided*, That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Teen pregnancy prevention activities ..... \$199,113

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 2011, expenditures may be made by the department

of health and environment from the health and environment training fee fund — health for fiscal year 2011 for agency operations for the division of health.

Health facilities review fund..... No limit

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

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 — federal fund to the state fire marshal may be made during fiscal year 2011 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 grants — federal 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 \$650,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2011 other than moneys appropriated by this or other appropriation act of the 2010 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 \$650,000 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

Environment public health — federal fund ..... No limit

Surveillance and epidemiology — federal fund ..... No limit



Universal newborn hearing screening — 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 2011 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
Lead based paint hazardous grant program — 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
Real ID — federal fund .....	No limit
Health information exchange — 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, 2011, 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, 2010, is hereby reappropriated for fiscal year 2011.	
Infants and toddlers program .....	\$5,700,000
<i>Provided</i> , That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
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, 2010, is hereby reappropriated for fiscal year 2011.	
Newborn hearing aid loaner program.....	\$50,000
<i>Provided</i> , That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
SIDS network grant.....	\$75,000
<i>Provided</i> , That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Newborn screening .....	\$321,309
<i>Provided</i> , That any unencumbered balance in the newborn screening account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	

(d) On July 1, 2010, and on other occasions during fiscal year 2011 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, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, 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, 2011, 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 2011 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2010 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 2011 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 2011 made by this or other appropriation act of the 2010 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, 2011, 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, 2011, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 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 2011 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 2011, as authorized by this or other appropriation act of the 2010 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 2011 pursuant to K.S.A. 22a-242, and amendments thereto.

(k) On July 1, 2010, 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) 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 or funds for fiscal year 2011, expenditures shall be made by the department of health and environment from such moneys to provide funding for the

Senator Stan Clark pregnancy maintenance initiative: *Provided*, That expenditures for this purpose shall be made in the amount of \$199,113.

Sec. 74.

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, 2011, the following:

Operating expenditures (including official hospitality)..... \$4,164,182

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of environment in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Operating expenditures (including official hospitality) — laboratories.... \$3,424,393

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) — laboratories account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Radiation control operations fee fund ..... No limit

Mined-land conservation and reclamation fee fund..... No limit

Solid waste management fund..... No limit

*Provided*, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2011, for official hospitality: *Provided further*, That such expenditures for official hospitality shall not exceed \$2,500.

Public water supply fee fund..... No limit

Voluntary cleanup fund..... No limit

Storage tank fee fund..... No limit

Air quality fee fund ..... No limit

Hazardous waste collection fund..... No limit

Power generating facility fee fund ..... No limit

Health and environment training fee fund — environment..... No limit

*Provided*, That expenditures may be made from the health and environment training fee fund — environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment:

*Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*,

That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund — environment: *And provided further*,

That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund — environment for fiscal year 2011, expenditures may be made by the department of health and environment from the health and environment training fee fund — environment for fiscal year 2011 for agency operations for the division of environment.

Driving under the influence equipment fund ..... No limit

Nuclear safety emergency preparedness special revenue fund..... No limit

*Provided*, That all moneys received from the adjutant general from the nuclear safety emergency 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  
 QuantiFERON TB laboratory fund..... No limit  
 Resource conservation and recovery act — federal fund ..... No limit  
 Enhancing radiological incident response — 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 2011 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: (1) Is less than or equal to \$650,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2011 other than moneys appropriated by this or other appropriation act of the 2010 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 \$650,000 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

*Provided*, That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L.92-500) shall be credited to the Kansas water pollution control revolving fund: *Provided further*, That expenditures from this fund shall be made to provide for the payment of such matching grants.

Kansas water pollution control operations fund.....	No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds.....	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds.....	No limit
Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds.....	No limit
Debt service reserve fund.....	No limit
EPA water related grants — federal fund.....	No limit
<i>Provided</i> , That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the EPA water related grants — federal 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, 2011, for the state water plan project or projects specified as follows:

Contamination remediation.....	\$753,870
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
TMDL initiatives and use attainability analysis.....	\$166,821
<i>Provided</i> , That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Watershed restoration and protection plan.....	\$548,696
<i>Provided</i> , That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Local environmental protection program.....	\$980,000
<i>Provided</i> , That any unencumbered balance in the local environmental protection program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Nonpoint source program.....	\$246,072
<i>Provided</i> , That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Treece superfund match.....	\$350,000

(d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2011, for the project specified as follows:

Newborn screening.....	\$1,898,457
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(e) During the fiscal year ending June 30, 2011, 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 2011 from the state water plan fund for the department of health and environment — division of environment to another item of appropriation for fiscal year 2011 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.

(f) During the fiscal year ending June 30, 2011, 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.

(g) On July 1, 2010, and on other occasions during fiscal year 2011 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.

(h) During the fiscal year ending June 30, 2011, 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.

(i) During the fiscal year ending June 30, 2011, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 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 2011 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) During the fiscal year ending June 30, 2011, 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.

Sec. 75.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Administration .....	\$689,090
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*Provided*, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Administration — assessments .....	\$77,651
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*Provided*, That any unencumbered balance in the administration — assessments account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Administration — assessments — Level II care ..... \$43,500  
*Provided*, That any unencumbered balance in the administration — assessments — Level II care account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Administration — assessments — Level I care..... \$351,884  
*Provided*, That any unencumbered balance in the administration — assessments — Level I care account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Administration — medicaid ..... \$1,631,747  
*Provided*, That any unencumbered balance in the administration — medicaid account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Administration — medicaid MFP - admin match..... \$39,157  
*Provided*, That any unencumbered balance in the administration — medicaid MFP - admin match account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Administration — older Americans act match..... \$184,489  
*Provided*, That any unencumbered balance in the administration — older Americans act match account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Senior care act ..... \$1,785,928  
*Provided*, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 2010 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 2010: *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 2011 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 2010: *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 ..... \$3,777,233  
*Provided*, That any unencumbered balance in the program grants — nutrition — state match account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 2010 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 2010: *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 2011 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 2010: *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 ..... \$1,532,869  
*Provided*, That any unencumbered balance in the LTC — medicaid assistance — TCM/FE account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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: *And provided*

*further*, That expenditures shall be made from this account to expand the telehealth pilot study by 500 telehealth monitor units for fiscal year 2011: *And provided further*, That such units shall be distributed geographically statewide: *And provided further*, That if legislation which authorizes an annual, uniform assessment per licensed bed, referred to as a quality care assessment, on each skilled nursing care facility, is passed by the legislature during the 2010 regular session and enacted into law, no such funds collected by such assessment shall be expended for any telehealth monitor units.

LTC — medicaid assistance — HCBS/FE ..... \$21,554,366

*Provided*, That any unencumbered balance in the LTC — medicaid assistance — HCBS/FE account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$112,857,112

*Provided*, That any unencumbered balance in the LTC — medicaid assistance — NF account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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: *And provided further*, That notwithstanding the provisions of K.S.A. 2009 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary of aging shall institute trending methods to provide rate increases for nursing facilities for fiscal year 2011.

LTC — medicaid assistance — PACE ..... \$1,541,078

*Provided*, That any unencumbered balance in the LTC — medicaid assistance — PACE account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$1,608,029

*Provided*, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Nursing facilities regulation — title XIX ..... \$1,066,813

*Provided*, That any unencumbered balance in the nursing facilities regulation — title XIX account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Any unencumbered balance in the LTC — medicaid assistance — MFP account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 2011 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 2010 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 2010: *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 2011 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 2010: *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 ..... \$1,144,569  
 General fees fund ..... No limit

*Provided*, That the secretary of aging is hereby authorized to collect (1) fees from the sale of surplus property, (2) fees charged for searching, copying and transmitting copies of public records, (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property, and (4) other miscellaneous fees: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That expenditures shall be made from this fund to meet the obligations of the department on aging, or to benefit and meet the mission of the department on aging.

Gifts and donations fund ..... No limit  
*Provided*, That the secretary of aging is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury and credited to the gifts and donations fund.

Medical resources and collection fund ..... No limit  
*Provided*, That all moneys received or collected by the secretary of aging due to medicaid overpayments shall be deposited in the state treasury and credited to the medical resources and collection fund and expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *Provided further*, That all moneys received or collected by the secretary of aging due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury and credited to this fund and expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund — grants — federal ..... No limit  
 SHICK fund — state operations — federal ..... No limit  
 Other CMS demo grants — federal fund ..... No limit  
 Other AoA demo grants — federal fund ..... No limit  
 Senior services fund ..... No limit  
 Long-term care loan and grant fund ..... No limit  
 Intergovernmental transfer administration fund ..... \$0  
 Non-government grant fund ..... No limit  
 Other federal grants and assistance fund ..... No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants and assistance fund of any moneys credited to this fund from any individual grant if the grant: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the

governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Health facilities review fund.....	No limit
Medicare fund — federal.....	No limit

(c) During the fiscal year ending June 30, 2011, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state general fund for the department on aging to another item of appropriation for fiscal year 2011 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 of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 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 2011 for the department of health and environment — division of health, as authorized by this or other appropriation act of the 2010 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 2011 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 2011: *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 2011 for the department on aging, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2011 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.

(e) During the fiscal year ending June 30, 2010, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC — medicaid assistance — NF account of the state general fund of the department on aging to the LTC — medicaid assistance — HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2010, and on June 1, 2011, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2011 with expenditure data regarding this program.

Sec. 76.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$17,104,347

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures shall be made from this account for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program.

Office of the inspector general ..... \$95,543

*Provided*, That any unencumbered balance in the office of the inspector general account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Other medical assistance ..... \$351,204,882

*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures may be made from this account for the purpose of implementing or expanding any prior authorization project: *And provided further*, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the health policy oversight committee prior to the start of the 2011 legislative session.

Children's health insurance program ..... \$15,736,928

*Provided*, That any unencumbered balance in the children's health insurance program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That no increases shall be made to monthly premium payments for the state children's health insurance program until approval of the increase is received by the Kansas health policy authority from the federal centers for medicare and medicaid services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 ..... \$519,470

Cafeteria benefits fund ..... No limit

*Provided*, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2011, for salaries and wages and other operating expenditures shall not exceed \$2,324,908.

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, 2011, for salaries and wages and other operating expenditures shall not exceed \$3,725,998.

Dependent care assistance program fund ..... No limit

*Provided*, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2011, for salaries and wages and other operating expenditures shall not exceed \$226,372.

Non-state employer group benefit fund ..... \$163,931

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, 2011, for official hospitality shall not exceed \$1,000.

Health committee insurance fund ..... \$248,870

Health care database fee fund ..... No limit

Medical programs fee fund ..... \$54,284,610

Health and hospitalization insurance clearing fund ..... No limit

*Provided*, That expenditures from the health and hospitalization insurance clearing fund for the fiscal year ending June 30, 2011, for salaries and wages and other operating expenditures shall not exceed \$7,854,305.

Health insurance premium reserve fund ..... No limit

Other state fees fund ..... \$0

Health care access improvement fund .....	\$37,390,236
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) During the fiscal year ending June 30, 2011, 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, 2011, from the state general fund for the Kansas health policy authority to another item of appropriation for fiscal year 2011 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.

(d) Any moneys donated or granted to the Kansas health policy authority, and any federal funds received as match to such donations or grants, for the fiscal year ending June 30, 2011, shall only be expended by the Kansas health policy authority to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: *Provided*, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse, or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.

(e) During the fiscal year ending June 30, 2011, notwithstanding the provisions of this or any other appropriation act of the 2010 regular session of the legislature, or any other statute, no moneys appropriated for the Kansas health policy authority from the state general fund or from any special revenue fund or funds for fiscal year 2011 shall be expended by the Kansas health policy authority for the purposes of requiring, and the Kansas health policy authority shall not require, an individual, who is currently prescribed medications for mental health purposes in the MediKan program, to change prescriptions under a preferred drug formulary during the fiscal year ending June 30, 2011: *Provided*, That all prescriptions paid for by the MediKan program during fiscal year 2011 shall be filled pursuant to subsection (a) of K.S.A. 65-1637, and amendments thereto: *Provided further*, That the Kansas health policy authority shall follow the existing prior authorization protocol for reimbursement of prescriptions for the MediKan program for fiscal year 2011: *And provided further*, That the Kansas health policy authority shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, to implement or maintain a preferred drug formulary for medications prescribed for mental health purposes to individuals in the MediKan program during fiscal year 2011.

(f) On July 1, 2010, or as soon hereafter as moneys are available, the director of accounts and reports shall transfer \$9,675,000 from the HBA clearing fund — remittance to admin service org account of the HBA clearing fund to the state general fund.

(g) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 and fiscal year 2011 for the Kansas health policy authority as authorized by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from the state general fund or any special revenue fund or funds for fiscal year 2010 or fiscal year 2011 to enter into a one-year contract for a pilot project for health care cost containment and recovery services to be implemented regarding programs of state agencies or programs responsible for the payment of medical or pharmacy claims, including the department of social and rehabilitation services, department on aging, Kansas health policy authority, juvenile justice authority, department of labor, department of health and environment and the state health care benefits program, as provided in K.S.A. 75-6501 through 75-6523, and amendments

thereto: *Provided*, That the pilot project shall be designed to provide statewide efficiencies and cost savings across multiple state agencies and the state health care benefits program: *Provided further*, That the pilot project shall include services to extract savings and recover funds for health care services paid by any state agency to include, but not be limited to, the recovery of overpayments identified through claims review and provider audits; and coordination of payment between private insurers, Medicare, and other public and private payers of health care claims: *And provided further*, That the pilot project shall include these services and additional services as approved by the Kansas health policy authority and the affected state agency: *And provided further*, That the pilot project shall be supplemental to audit and recovery projects already conducted by individual state agencies and shall determine ways to improve efficiencies by coordinating audits and recovery program activities across multiple state agencies: *And provided further*, That the contract for the pilot project shall provide for the vendor to be compensated by a percentage of recoveries or savings attained: *And provided further*, That, upon completion of the pilot project, the executive directory of the Kansas health policy authority shall report to the legislature the savings generated from the pilot program and make recommendations regarding extension of the pilot program, termination of the program, or competitive procurement for the services provided thereunder: *And provided further*, That such contract shall be entered into through a request for proposal process: *And provided however*, That nothing in the contract for such pilot project shall make null and void any other contract that a selected vendor under such request for proposal may currently be entered into with the state of Kansas: *And provided further*, That such pilot project shall be implemented in such a manner as to coordinate with federal requirements to establish a medicaid recovery audit contract pursuant to the federal patient protection and affordable care act, H.R. 3590.

(h) During the fiscal year ending June 30, 2011, in addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 for the Kansas health policy authority as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 to conduct a study on the topic of requiring insurance companies to reimburse clinical marriage and family therapists, clinical professional counselors and clinical psychotherapists: *Provided*, That, such study shall be designed to : (1) Determine the impact that coverage for such therapists, counselors and psychotherapists has had on the state health care benefits program as described in article 65 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto; (2) provide data on utilization of such therapists, counselors and psychotherapists by individuals covered for direct reimbursements for services provided by such therapists, counselors and psychotherapists; (3) determine the cost of providing coverage for such therapists, counselors and psychotherapists; (4) compare the costs of coverage between individuals under the state health care benefits program covered by insurance companies which provide direct reimbursement for services provided by such therapists, counselors and psychotherapists to individuals under the state health care benefits program covered by insurance companies which do not provide such direct reimbursement; (5) compare the amount of premiums charged by insurance companies which provide reimbursement for services provided by such therapists, counselors and psychotherapists to the amount of premiums charged by insurance companies which do not provide such direct reimbursement; and (6) determine whether mandated direct reimbursement for such therapists, counselors and psychotherapists should be continued under the state health care benefits program: *Provided further*, That, in addition, the Kansas health policy authority shall conduct an analysis to determine if proactive mental health care treatment results in reduced expenditures for future mental and physical health care services, by comparing expenditures of patients who receive such proactive mental health care treatments with those patients who do not during the regular session of the legislature in 2010: *And provided further*, That, such studies shall be completed no later than December 31, 2010, and shall be made available to all members of the house committee on insurance, the senate committee on financial institutions and insurance and all parties seeking passage of such legislation no later than the first day of the 2011

Kansas legislative session: *And provided further*, That, the insurance department and all other departments, boards, agencies, officers and institutions and subdivisions thereof shall cooperate with the Kansas health policy authority in carrying out all duties prescribed pursuant to this section.

(i) During the fiscal year ending June 30, 2011, no expenditures shall be made by the above agency from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year ending June 30, 2011, to implement any policy or procedure which would restrict or limit beneficiaries of medicaid access to medications for mental health purposes, including, but not limited to, restricting the number of name brand or single source mental health medications for any beneficiary and all expenditures made by the above agency for the fiscal year 2011 shall be made in compliance with the provisions of K.S.A. 39-7,121b, and amendments thereto.

Sec. 77.

#### 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, 2011, the following:

State operations ..... \$111,089,328

*Provided*, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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: *And provided further*, That expenditures shall be made from this account to contract with Kansas legal services for the purpose of providing legal representation and disability determination case management for adult cash assistance recipients.

Alcohol and drug abuse services grants ..... \$1,226,535

*Provided*, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Mental health and retardation services aid and assistance ..... \$123,591,155

*Provided*, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Kansas neurological institute — operating expenditures ..... \$11,327,917

*Provided*, That any unencumbered balance in the Kansas neurological institute — operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$30,849,692

*Provided*, That any unencumbered balance in the Larned state hospital — operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$12,895,380

*Provided*, That any unencumbered balance in the Larned state hospital — sexual predator treatment program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Osawatomie state hospital — operating expenditures ..... \$14,342,009  
*Provided*, That any unencumbered balance in the Osawatomie state hospital — operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$10,447,821  
*Provided*, That any unencumbered balance in the Parsons state hospital and training center — operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures from the Parsons state hospital and training center — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility — operating expenditures ..... \$4,524,298  
*Provided*, That any unencumbered balance in the Rainbow mental health facility — operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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, 2010, is hereby reappropriated for fiscal year 2011: *Provided, however*, That no expenditures shall be made from the children’s mental health initiative account for inpatient hospital beds for children.

Youth services aid and assistance ..... \$111,023,868  
*Provided*, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Vocational rehabilitation aid and assistance ..... \$6,219,209  
*Provided*, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$53,603,404  
*Provided*, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Community based services ..... \$61,787,993  
*Provided*, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Other medical assistance ..... \$86,521,952  
*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Community mental health centers supplemental funding ..... \$2,500,000  
*Provided*, That any unencumbered balance in the community mental health centers sup-

plemental funding account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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..... \$47,640,920

*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..... \$1,279,743

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..... \$4,459,008

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

*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
<i>Provided</i> , 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: <i>Provided further</i> , That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.	
Osawatomie state hospital fee fund .....	\$9,007,325
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 .....	\$1,329,990
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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 .....	\$2,463,173
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.....	\$39,303,198
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, 2011, the following:

Children's cabinet accountability fund .....	\$541,802
<i>Provided</i> , That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
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, 2010, is hereby reappropriated for fiscal year 2011.	
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, 2010, is hereby reappropriated for fiscal year 2011.	
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, 2010, is hereby reappropriated for fiscal year 2011.	
Children's cabinet early childhood discretionary grant program .....	\$8,443,161
<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, 2010, is hereby reappropriated for fiscal year 2011.	
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, 2010, is hereby reappropriated for fiscal year 2011.	
Early headstart .....	\$3,452,779
<i>Provided</i> , That any unencumbered balance in the early headstart account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Quality initiative infants & toddlers .....	\$500,000
<i>Provided</i> , That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Early childhood block grant .....	\$11,099,830
<i>Provided</i> , That any unencumbered balance in the early childhood block grant account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2011, the following:	
Children's cabinet administration .....	\$259,093
(e) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, 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, 2011, 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, 2011, 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 2011 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, 2011, 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, 2010, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital — canteen fund to the Osawatomie state hospital — patient benefit fund.

(i) On July 1, 2010, 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, 2010, 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, 2010, 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, 2010, 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, 2011, 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, 2011, 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, 2011, 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 2011, as authorized by this or other appropriation act of the 2010 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 2011 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 2011.

(n) During the fiscal year ending June 30, 2011, 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, 2011, 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 2011 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be

made by the secretary of social and rehabilitation services for fiscal year 2011 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, 2011, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC — medicaid assistance — NF account of the state general fund of the department on aging to the LTC — medicaid assistance — HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2010, and on June 1, 2011, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2011 with expenditure data regarding this program.

Sec. 78.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Kansas guardianship program .....	\$1,159,395
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*Provided*, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Sec. 79.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures (including official hospitality) .....	\$10,717,436
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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, 2010, is hereby reappropriated for fiscal year 2011.

Governor's teaching excellence scholarships and awards .....	\$55,525
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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, 2010, is hereby reappropriated for fiscal year 2011: *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 schol-

arships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund.

Mentor teacher program grants ..... \$1,450,000  
 Special education services aid ..... \$367,540,630

*Provided*, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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.

General state aid ..... \$1,961,339,680

*Provided*, That an unencumbered balance in the general state aid account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Supplemental general state aid ..... \$339,212,000

*Provided*, That any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

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.

Discretionary grants ..... \$670,000

*Provided*, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2011, in an amount not less than \$250,000 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 2011 shall not exceed \$25,000.

School food assistance ..... \$2,435,171

School safety hotline ..... \$10,000

KPERS — employer contributions ..... \$291,602,545

*Provided*, That any unencumbered balance in the KPERS — employer contributions account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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.

Educable deaf-blind and severely handicapped children's programs  
 aid ..... \$110,000

School district juvenile detention facilities and Flint Hills job corps center  
 grants ..... \$6,012,355

*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, 2010, is

hereby reappropriated for fiscal year 2011: *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.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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.	
School district capital outlay state aid fund.....	No limit
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
Federal K-12 fiscal stabilization fund.....	No limit
Inservice education workshop fee fund.....	No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in

accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Private donations, gifts, grants and bequests fund ..... No limit  
Interactive video fee fund ..... No limit

*Provided*, 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: *Provided further*, 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: *And provided further*, 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

*Provided*, 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: *Provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made under the governor’s teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor’s teaching excellence scholarships program repayment fund.

Elementary and secondary school aid — federal fund — reading first ... No limit

Elementary and secondary school aid — federal fund — reading first — state operations ..... No limit

State grants for improving teacher quality — federal fund ..... No limit

State grants for improving teacher quality — federal fund — state operations ..... No limit

21st century community learning centers — federal fund ..... No limit

State assessments — federal fund ..... No limit

Rural and low-income schools program — federal fund ..... No limit

Language assistance state grants — federal fund ..... No limit

Service clearing fund ..... No limit

Helping schools license plate program fund ..... No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2011, the following:

Pre-K program ..... \$5,000,000  
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) On July 1, 2010, 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.

(j) On July 1, 2010, and quarterly thereafter, the director of accounts and reports shall transfer \$70,722 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

(k) On July 1, 2010, 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.

Sec. 80.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$1,719,085

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Grants to libraries and library systems ..... \$2,652,819

*Provided*, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That, of the moneys appropriated in the grants to libraries and library systems account, \$1,755,428 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$473,446 shall be distributed for interlibrary loan development grants and \$423,945 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, 2011, 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. 81.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$256,684

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 shall be utilized for the purpose of matching 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 ..... \$554,263

*Provided*, That expenditures from the arts programming grants and challenge grants account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art: *Provided further*, That expenditures from this account shall be utilized for the purpose of matching federal grant moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 utilized for the purpose of matching federal grant



moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

Sec. 82.

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, 2011, the following:

Operating expenditures ..... \$5,385,207

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided, however*, That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.

Arts for the handicapped ..... \$140,273

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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

Adaptive technology resource center 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

Elementary and secondary education act — federal fund ..... No limit

Special education assistance — ARRA — federal fund ..... No limit

E-rate grant — federal fund ..... No limit

Preparation and mentoring of teachers of the blind and visually impaired

— federal fund ..... No limit

(c) On July 1, 2010, the gift fund of the Kansas state school of the blind is hereby redesignated as the adaptive technology resource center fund of the Kansas state school for the blind.

(d) On July 1, 2010, the director of accounts and reports shall transfer all moneys in the math and science improvement — federal fund to the elementary and secondary education act — federal fund. On July 1, 2010, all liabilities of the math and science improvement — federal fund are hereby transferred to and imposed on the elementary and secondary education act — federal fund and the math and science improvement — federal fund is hereby abolished.

(e) On July 1, 2010, the director of accounts and reports shall transfer all moneys in the supported employment initiative — federal fund to the elementary and secondary education act — federal fund. On July 1, 2010, all liabilities of the supported employment initiative — federal fund are hereby transferred to and imposed on the elementary and secondary education act — federal fund and the supported employment initiative — federal fund is hereby abolished.

Sec. 83.

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, 2011, the following:

Operating expenditures ..... \$8,890,257

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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

Elementary and secondary education act 2009 ARRA — 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. 84.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$5,145,994

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,463.

Kansas humanities council ..... \$68,586

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 \$94,112.

Land survey fee fund ..... No limit  
*Provided*, That, notwithstanding the provisions of K.S.A. 58-2012, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year 2011 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: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 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.

Amelia Earhart bridge mitigation project fund ..... No limit  
Sec. 85.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures (including official hospitality) ..... \$32,816,791  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Master's-level nursing capacity ..... \$135,492  
Kansas wetlands education center at Cheyenne bottoms ..... \$270,490

*Provided*, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Kansas academy of math and science ..... \$553,857  
 Any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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.

Federal higher education fiscal stabilization fund — Fort Hays state university .....

No limit

(c) On July 1, 2010, 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.

(d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Kansas academy of math and science..... \$200,000

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

Sec. 86.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures (including official hospitality)..... \$104,167,911

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Midwest institute for comparative stem cell biology..... \$132,799

*Provided*, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund .....

No limit

Faculty of distinction matching fund.....

No limit

General fees fund.....

No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund.....

No limit

Restricted fees fund.....

No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; flight services; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of tech-

nology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education — publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education — Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations — construction; 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; comparative medicine; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages.

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

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

Sponsored research overhead fund ..... No limit  
 Housing system suspense fund ..... No limit  
 Housing system operations fund ..... No limit

*Provided*, That expenditures may be made from the housing system operations fund for official hospitality.

Housing system repairs, equipment and improvement fund ..... No limit  
 Mandatory retirement annuity clearing fund ..... No limit  
 Student health fees fund ..... No limit

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

Scholarship funds fund .....	No limit
Perkins student loan fund .....	No limit
Board of regents — U.S. department of education awards fund .....	No limit
State agricultural university fund .....	No limit
Federal extension civil service retirement clearing fund .....	No limit
Salina — student union fees fund .....	No limit
Salina — housing system operation fund .....	No limit
Kansas distinguished scholarship fund .....	No limit
Kansas comprehensive grant fund .....	No limit
Temporary deposit fund .....	No limit
Business procurement card clearing fund .....	No limit
Suspense fund .....	No limit
Voluntary tax shelter annuity clearing fund .....	No limit
Agency payroll deduction clearing fund .....	No limit
Payroll clearing fund .....	No limit
Pre-tax parking clearing fund .....	No limit
University federal fund .....	No limit
<i>Provided</i> , 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.	
Johnson county education research triangle fund .....	No limit
Federal higher education fiscal stabilization fund — Kansas state university .....	No limit
Energy conservation improvements fund .....	No limit

(c) On July 1, 2010, 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. 87.

**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, 2011, the following:

Cooperative extension service (including official hospitality) .....	\$18,839,116
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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, 2010, is hereby reappropriated for fiscal year 2011.

Agricultural experiment stations (including official hospitality) .....	\$29,991,495
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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, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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; comparative medicine; 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; miscellaneous renovation — construction; 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 2011.

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
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.

Federal higher education fiscal stabilization fund — Kansas state university extension systems and agriculture research programs ..... No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Agricultural experiment stations..... \$298,668

(d) During the fiscal years ending June 30, 2010, and June 30, 2011, 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. 88.

**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, 2011, the following:

Operating expenditures (including official hospitality)..... \$9,975,659

*Provided,* That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Veterinary training program for rural Kansas..... \$388,623

*Provided,* That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:



General fees fund ..... No limit  
*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys.

Veterinary medicine teaching hospital revenue fund..... No limit  
Faculty of distinction matching fund..... No limit  
Hospital and diagnostic laboratory improvement fund..... No limit  
Restricted fees fund..... No limit  
*Provided*, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; 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.

Federal higher education fiscal stabilization fund — Kansas state university veterinary medical center ..... No limit  
(c) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$15,000 from the general fees fund to the health professions student loan fund.

Sec. 89.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:  
Operating expenditures (including official hospitality)..... \$31,092,853  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Reading recovery program ..... \$215,035  
Nat'l Board Cert/Future Teacher Academy ..... \$129,050

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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
<i>Provided</i> , That restricted fees shall be limited to receipts for the following accounts: Computer services; student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern student exchange; departmental receipts — for all sales, refunds and other collections or receipts not specifically enumerated above: <i>Provided, however</i> , That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: <i>Provided further</i> , That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: <i>And provided further</i> , That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: <i>And provided further</i> , That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund.	
Service clearing fund .....	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Telecommunications services; office supplies inventory; state car operation; ESU press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; data processing center; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Commencement fees fund .....	No limit
Kansas career work study program fund.....	No limit
Student health fees fund.....	No limit
<i>Provided</i> , That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Faculty of distinction matching fund.....	No limit
Bureau of educational measurements fund.....	No limit
National direct student loan fund.....	No limit
Economic opportunity act — work study — federal fund.....	No limit
Educational opportunity grants — federal fund.....	No limit
Basic opportunity grant program — federal fund.....	No limit
Research and institutional overhead fund .....	No limit
Kansas comprehensive grant fund .....	No limit
Housing system suspense fund.....	No limit
Housing system operations fund .....	No limit
Housing system repairs, equipment and improvement fund .....	No limit
Kansas distinguished scholarship fund.....	No limit
University federal fund .....	No limit
<i>Provided</i> , 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
Federal higher education fiscal stabilization fund — Emporia state university .....	No limit
(c) On July 1, 2010, 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. 90.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures (including official hospitality) ..... \$34,116,217
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund ..... No limit
Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund ..... No limit
Provided, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: Provided further, That expenditures may be made from the general fees fund to match federal grant moneys: And provided further, That expenditures may be made from the general fees fund for official hospitality.
Restricted fees fund ..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; and grants from other state agencies; Midwest Quarterly; chamber music series; contract — post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity — state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: And provided further, That expenditures may be made from this fund for official hospitality.

Service clearing fund ..... No limit
Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Hospital and student health fees fund ..... No limit
Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center:

*Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund.....	No limit
Faculty of distinction matching fund.....	No limit
Perkins student loan fund .....	No limit
Sponsored research overhead fund .....	No limit
College work study fund.....	No limit
Nursing student loan fund.....	No limit
Housing system suspense fund.....	No limit
Housing system operations fund .....	No limit
Housing system repairs, equipment and improvement fund .....	No limit
Kansas comprehensive grant fund .....	No limit
Kansas distinguished scholarship program fund .....	No limit
University federal fund .....	No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Federal higher education fiscal stabilization fund — Pittsburg state university .....

No limit

(c) During the fiscal year ending June 30, 2011, 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. 91.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures (including official hospitality)..... \$129,866,493

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Geological survey .....

\$5,966,998

*Provided*, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Umbilical cord matrix project .....

\$132,674

*Provided*, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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.

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.

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 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.

Local law enforcement training reimbursement fund..... No limit

Restricted fees fund..... No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Institute for public policy and business research; technology equipment; clinical psychology conference; concert course; 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; reimbursable 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 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; 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

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

Student union fund ..... No limit

Federal Perkins 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

Johnson county education research triangle fund ..... No limit

Federal higher education fiscal stabilization fund — university of Kansas ... No limit

(c) On July 1, 2010, 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 \$325,000 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, 2011, for the water plan project or projects specified, the following:

Geological survey ..... \$28,800

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the geological survey account is hereby reappropriated for fiscal year 2011.

Sec. 92.

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, 2011, the following:

Operating expenditures (including official hospitality) ..... \$103,123,599

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 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 ..... \$2,652,900

*Provided*, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Cancer center ..... \$4,413,431

*Provided*, That any unencumbered balance in the cancer center account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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: *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 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
Leveraging educational assistance partnership federal fund.....	No limit
Graduate medical education support fund.....	No limit
Johnson county education research triangle fund .....	No limit
Federal higher education fiscal stabilization fund — university of Kansas medical center .....	No limit
Wichita center for graduate medical education federal fiscal stabilization fund.....	No limit

(c) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following funds: Federal Perkins student loan fund; federal nursing student loan fund; federal student educational 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, 2011, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.

(e) During the fiscal year ending June 30, 2011, 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.

Sec. 93.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures (including official hospitality) .....	\$66,008,125
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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, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund .....	No limit
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*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
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*Provided*, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund .....	No limit
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Kansas career work study program fund .....	No limit
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Scholarship funds fund .....	No limit
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Sponsored research overhead fund .....	No limit
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Economic opportunity act — federal fund .....	No limit
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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
<i>Provided</i> , 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
Federal higher education fiscal stabilization fund — Wichita state university.....	No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Aviation research.....	\$5,000,000
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*Provided*, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Aviation infrastructure.....	\$5,000,000
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*Provided*, That any unencumbered balance in the aviation infrastructure account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That during the fiscal year ending June 30, 2011, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 by Wichita state university by this or other appropriation act of the 2010 regular session of the legislature, the moneys appropriated in the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 may only be expended for training equipment expenditures of the national center for aviation training.

(d) During the fiscal years ending June 30, 2010, and June 30, 2011, in addition to the other purposes for which expenditures may be made by Wichita state university from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2010 or fiscal year 2011 by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by Wichita state university from the state general fund or from any special revenue fund for fiscal year 2010 and fiscal year 2011, after consultation with the national institute for aviation research, to provide for the establishment of a technical training board: *Provided*, That, except as otherwise provided in this subsection (d), such board shall be similar in composition to the aviation research board and shall advise the president of Wichita state university, and others representing Wichita state university, on all expenditures from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2010 and fiscal year 2011: *Provided further*, That such board shall review and evaluate all such expenditures: *And provided further*, That the executive director of the national institute for aviation research shall be the administrator for the technical training board: *And provided further*, That the membership of the technical training board shall include representatives of Sedgwick county and representatives of the Wichita area technical college as ex-officio, nonvoting members: *And provided further*, That the technical training board shall prepare and submit a report to the legislature, which shall be presented to the education budget committee of the house of representatives and to the appropriate subcommittee of the ways and means committee of the senate, not later than

the 10th calendar day of the 2011 regular session of the legislature, detailing the findings of the technical training board regarding the expenditures by Wichita state university from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2010 and fiscal year 2011.

Sec. 94.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures (including official hospitality) ..... \$3,385,596

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That, during fiscal year 2011, 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 2011 by the state board of regents as authorized by this or other appropriation act of the 2010 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 2011 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 fiscal year 2011, 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 2011 by the state board of regents as authorized by this or other appropriation act of the 2010 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 2011 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: *And provided further*, That the above agency, working in conjunction with the University of Kansas, Kansas State University and Wichita State University, shall develop and provide a multi-year plan for accomplishing the necessary expansion in the engineering programs to alleviate the severe shortage of engineering graduates: *And provided further*, That the plan shall be submitted to the governor and the legislature on or before September 1, 2010.

State scholarship program ..... \$1,078,766

*Provided*, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 ..... \$14,936,208

*Provided*, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Ethnic minority scholarship program ..... \$300,071

*Provided*, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Kansas work-study program .....	\$502,801
<i>Provided</i> , That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 <i>et seq.</i> , and amendments thereto: <i>And provided further</i> , That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.	
ROTC service scholarships .....	\$177,447
<i>Provided</i> , That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Military service scholarships .....	\$475,982
<i>Provided</i> , That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act.	
Teachers scholarship program .....	\$1,868,572
<i>Provided</i> , That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
National guard educational assistance .....	\$881,365
<i>Provided</i> , That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Vocational scholarships .....	\$115,450
<i>Provided</i> , That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Nursing student scholarship program .....	\$422,284
<i>Provided</i> , That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Optometry education program .....	\$108,380
<i>Provided</i> , That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Municipal university operating grant .....	\$11,087,963
Technical college aid for technical education .....	\$18,892,718
Other institutions aid for technical education .....	\$12,205,692
Adult basic education .....	\$1,474,591
Community college operating grant .....	\$97,166,602
Technology equipment at community colleges and Washburn university .....	\$403,277
<i>Provided</i> , That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.	
Vocational education capital outlay aid .....	\$72,448
Payment to KPEERS .....	\$1,753,701
Tuition waivers .....	\$85,677
Nurse educator grant program .....	\$190,393
<i>Provided</i> , That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , That all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act.	
Nursing faculty and supplies grant program .....	\$1,808,733
<i>Provided</i> , That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , 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 \$95,196 in such grants shall be made to accredited private post secondary educational institutions in Kansas.

Postsecondary technical education authority .....	\$731,716
Midwest higher education commission .....	\$95,000

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Southwest Kansas access project.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund .....	No limit
Vocational education scholarship discontinued attendance fund .....	No limit
Leveraging educational assistance program fund — federal.....	No limit
Regents' scholarship gift fund .....	No limit

*Provided*, That expenditures may be made from the regents' scholarship gift fund for scholarships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations: *Provided, however*, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: *Provided further*, That no scholarship awarded from this fund shall exceed \$2,000 per academic year: *And provided further*, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816, and amendments thereto, or a tuition grant under K.S.A. 72-6107 through 72-6111, and amendments thereto, or both: *And provided further*, That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

KAN-ED fund .....	No limit
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*Provided*, That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act.

KAN-ED federal fund.....	No limit
Earned indirect costs fund — federal.....	No limit
Faculty of distinction program fund .....	No limit
Paul Douglas teacher scholarship fund — federal .....	No limit
GED credentials processing fees fund.....	No limit
Proprietary school fee fund.....	No limit
Tuition waiver gifts, grants and reimbursements fund .....	No limit
Adult basic education — federal fund .....	No limit
Truck driver training fund.....	No limit
No child left behind federal fund .....	No limit
Comprehensive grant program discontinued attendance fund .....	No limit
State scholarship discontinued attendance fund.....	No limit
Kansas ethnic minority fellowship program fund.....	No limit
Private postsecondary educational institution degree authorization expense reimbursement fee fund.....	No limit
Substance abuse education fund — federal .....	No limit
Nursing service scholarship program fund.....	No limit
Clearing fund.....	No limit
Conversion of materials and equipment fund .....	No limit
Teacher scholarship program fund.....	No limit
Motorcycle safety fund .....	No limit
Financial aid services fee fund .....	No limit

*Provided*, That expenditures may be made from the financial aid services fee fund for 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 chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other activities related to student financial assistance 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
Nurse educator 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
College access challenge grant program .....	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: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 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 2011, other than moneys appropriated by this or other appropriation act of the 2010 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
Federal higher education fiscal stabilization fund.....	No limit
Federal higher education fiscal stabilization fund — community colleges .....	No limit
Federal higher education fiscal stabilization fund — municipal university .....	No limit
Federal higher education fiscal stabilization fund — postsecondary technical education .....	No limit

(c) During the fiscal year ending June 30, 2011, 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, 2011, to another item of appropriation in an account of the state general fund for fiscal year 2011. 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 director of legislative research. 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 exten-

sion systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and (2) includes each other account of the state general fund of the state board of regents.

(d) During the fiscal year ending June 30, 2011, the chief executive officer of the state board of regents, subject to the applicable restrictions and limitations or other provisions of federal grant agreements, is hereby authorized to transfer moneys that are received under a federal grant and that are credited to a federal fund of the state board of regents to a federal fund of an institution under the supervision and management of the state board of regents during the fiscal year ending June 30, 2011. 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 director of the budget and to the director of legislative research. As used in this subsection (d), "federal fund" means (1) the federal flexible fiscal stabilization fund, the federal higher education fiscal stabilization fund — community colleges, the federal higher education fiscal stabilization fund — municipal university, or the federal higher education fiscal stabilization fund — postsecondary technical education of the state board of regents, (2) the federal flexible fiscal stabilization fund — university of Kansas, the federal flexible fiscal stabilization fund — university of Kansas medical center, the federal flexible fiscal stabilization fund — Kansas state university, the federal flexible fiscal stabilization fund — Kansas state university veterinary medical center, the federal flexible fiscal stabilization fund — Kansas state university extension systems and agriculture research programs, the federal flexible fiscal stabilization fund — Wichita state university, the federal flexible fiscal stabilization fund — Emporia state university, the federal flexible fiscal stabilization fund — Pittsburg state university, and the federal flexible fiscal stabilization fund — Fort Hays state university of such institutions, or (3) a federal fiscal stabilization fund of a community college, the municipal university or an institution of postsecondary technical education.

(e) (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 2011 for such state educational institution as authorized by this or other appropriation act of the 2010 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 2011 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 2011: *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 2011 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.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

SEDIF — vocational education capital outlay aid ..... \$2,565,000

*Provided*, That expenditures from the SEDIF — vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the postsecondary institution 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, 2010, in the SEDIF — vocational education capital outlay aid account is hereby reappropriated for fiscal year 2011.

SEDIF — technology innovation and internship program ..... \$180,500

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the SEDIF — technical innovation and internship program account is hereby reappropriated for fiscal year 2011.

(g) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2011, 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.

(h) During the fiscal year ending June 30, 2011, notwithstanding any provisions of subsection (f) of K.S.A. 2009 Supp. 66-2010, and amendments thereto, as such subsection existed prior to June 30, 2009, to the contrary, the amount of \$10,000,000 shall be certified before July 1, 2011, by the chief executive officer of the state board of regents to the administrator of the KUSF and the administrator of the KUSF shall pay such amount from the Kansas universal service fund of the state corporation commission to the KAN-ED fund of the state board of regents during the fiscal year 2011 in accordance with the provisions of subsections (f)(1) and (f)(2) of K.S.A. 2009 Supp. 66-2010, and amendments thereto, as such subsections existed prior to June 30, 2009.

(i) On July 1, 2010, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2010, by subsection (a) of this section in the southwest Kansas access project account, the sum of \$225,000 is hereby lapsed.

(j) On or before July 1, 2010, the state board of regents shall determine and the chief executive officer of the state board of regents shall certify to the director of accounts and reports the amounts to be lapsed from the amounts of money appropriated from the state general fund for the state board of regents or the state educational institutions under the control and supervision of the state board of regents pursuant to this subsection, which in the aggregate shall be equal to \$5,922,229: *Provided*, That such certification shall specify each specific amount to be lapsed from a specified state general fund account or accounts of the state board of regents or a state educational institution as determined by the state board of regents in accordance with this subsection: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall lapse each such amount specified in such certification from the state general fund account or accounts of the state board of regents or a state educational institution designated therefor, in accordance with such certification, and each such amount is hereby lapsed on July 1, 2010, in accordance with such certification: *And provided further*, That, at the same time that such certification is transmitted to the director of accounts and reports, the chief executive officer of the state board of regents shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Sec. 95.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures .....	\$23,367,545
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.	
Community corrections .....	\$16,998,912
<i>Provided</i> , That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , 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 2011 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.	
Local jail payments .....	\$1,100,000
<i>Provided</i> , 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.	
Treatment and programs .....	\$45,958,386
<i>Provided</i> , That any unencumbered balance in the treatment and programs account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Topeka correctional facility — facilities operations .....	\$13,084,057
<i>Provided</i> , That any unencumbered balance in the Topeka correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from the Topeka correctional facility — facilities operations account for official hospitality shall not exceed \$500.	
Hutchinson correctional facility — facilities operations.....	\$8,308,154
<i>Provided</i> , That any unencumbered balance in the Hutchinson correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from the Hutchinson correctional facility — facilities operations account for official hospitality shall not exceed \$500.	
Lansing correctional facility — facilities operations.....	\$38,326,136
<i>Provided</i> , That any unencumbered balance in the Lansing correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from the Lansing correctional facility — facilities operations account for official hospitality shall not exceed \$500.	
Ellsworth correctional facility — facilities operations.....	\$12,936,609
<i>Provided</i> , That any unencumbered balance in the Ellsworth correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from the Ellsworth correctional facility — facilities operations account for official hospitality shall not exceed \$500.	
Department of corrections forensic psychologist fund.....	\$270,000
Winfield correctional facility — facilities operations.....	\$2,682,562
<i>Provided</i> , That any unencumbered balance in the Winfield correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from the Winfield correctional facility — facilities operations account for official hospitality shall not exceed \$500.	
Norton correctional facility — facilities operations .....	\$5,301,602
<i>Provided</i> , That any unencumbered balance in the Norton correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from the Norton correctional facility — facilities operations account for official hospitality shall not exceed \$500.	
El Dorado correctional facility — facilities operations.....	\$23,735,057
<i>Provided</i> , That any unencumbered balance in the El Dorado correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , 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 ..... \$9,950,415  
*Provided*, That any unencumbered balance in the Larned correctional mental health facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided, however*, That expenditures from the Larned correctional mental health facility — facilities operations account for official hospitality shall not exceed \$500.

Facilities operations ..... \$13,700,482  
*Provided*, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Any unencumbered balance in excess of \$100 as of June 30, 2010, in each of the following accounts is hereby reappropriated for fiscal year 2011: Community correctional conservation camps; reentry programs.

Any unencumbered balance in the DUI treatment services account in excess of \$100 as of June 30, 2010, is hereby reappropriated for the fiscal year 2011: *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.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 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.

Federal flexible fiscal stabilization fund ..... No limit

Supervision fees fund ..... No limit

Residential substance abuse treatment — federal fund ..... No limit

Recovery act justice assistance — federal fund ..... No limit

Department of corrections state asset forfeiture fund ..... No limit

Chapter I — federal fund ..... No limit

Victims of crime act — federal fund ..... No limit

Correctional industries fund ..... No limit

*Provided*, That expenditures may be made from the correctional industries fund for official hospitality.

Alcohol and drug abuse treatment fund ..... No limit

*Provided*, That expenditures may be made from the alcohol and drug abuse fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

State of Kansas — department of corrections inmate benefit fund ..... No limit

Department of corrections — alien incarceration grant fund — federal ..... No limit

Department of corrections — general fees fund ..... No limit

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

JEHT reentry program fund .....	No limit
Topeka correctional facility — community development block grant — federal fund .....	No limit
Topeka correctional facility — bureau of prisons contract — federal fund.....	No limit
Topeka correctional facility — general fees fund .....	No limit
Topeka correctional facility — laundry equipment depreciation reserve fund.....	No limit
Hutchinson correctional facility — general fees fund.....	No limit
Federal flexible fiscal stabilization fund — Hutchinson correctional facility.....	No limit
Lansing correctional facility — general fees fund.....	No limit
Ellsworth correctional facility — general fees fund.....	No limit
Winfield correctional facility — general fees fund.....	No limit
Federal flexible fiscal stabilization fund — Winfield correctional facility.....	No limit
Norton correctional facility — general fees fund.....	No limit
Federal flexible fiscal stabilization fund — Norton correctional facility ..	No limit
El Dorado correctional facility — general fees fund.....	No limit
Larned correctional mental health facility — general fees fund.....	No limit
Correctional services special revenue fund.....	No limit

(c) During the fiscal year ending June 30, 2011, 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, 2011, 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 2011 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) (1) During the fiscal year ending June 30, 2011, the secretary of corrections, subject to the applicable restrictions and limitations or other provisions of federal grant agreements, is hereby authorized to transfer moneys received under a federal grant that are credited to a federal fund of the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections to another federal fund for the fiscal year ending June 30, 2011, 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 the budget and the director of legislative research.

(2) As used in this subsection (d), “federal fund” means the federal flexible fiscal stabilization fund, the federal flexible fiscal stabilization fund — Hutchinson correctional facility, the federal flexible fiscal stabilization fund — Winfield correctional facility, and the federal flexible fiscal stabilization fund — Norton correctional facility.

(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 secretary of corrections any duly authorized claim to be paid from the local jail payments account of the state general fund during fiscal year 2011 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.

(f) 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 2011 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, 2010, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2011.

(g) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$233,750 from the correctional industries fund to the department of corrections — general fees fund.

(h) On October 1, 2010, and January 1, 2011, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$250,000 from the correctional industries fund to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the correctional industries fund to the state general fund as prescribed by law: *Provided further*, That the amounts transferred from the correctional industries fund to the state general fund pursuant to this subsection 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 department of corrections by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 96.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures .....	\$3,683,033
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.	
Management information systems.....	\$1,108,092
<i>Provided</i> , That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Kansas juvenile correctional complex facility operations.....	\$16,856,354
<i>Provided</i> , That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2010, are hereby reappropriated to the Kansas juvenile correctional complex facility operations account for fiscal year 2011: <i>Provided further</i> , 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: <i>And provided further</i> , 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 .....	\$8,719,585
<i>Provided</i> , That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , 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: <i>And provided further</i> , That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.	
Purchase of services.....	\$23,331,916
Intervention and graduated sanctions community grants .....	\$14,408,639
Prevention program grant .....	\$3,785,814
<i>Provided</i> , That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , 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 .....	\$5,214,186
<i>Provided</i> , That any unencumbered balance in the intervention and graduated sanctions	

community grants account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Title XIX fund.....	No limit
Title IV-E fund.....	No limit
Juvenile accountability incentive block grant — federal fund .....	No limit
Juvenile justice delinquency prevention — federal fund.....	No limit
Juvenile detention facilities fund.....	\$4,187,174
Juvenile justice fee fund — central office .....	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
Byrne grant — federal fund — Kansas juvenile correctional complex....	No limit
Recovery act Byrne grant — federal fund — Kansas juvenile correctional complex.....	No limit
Federal Byrne justice assistance grant — ARRA — federal fund — Larned juvenile correctional facility .....	No limit
Federal Byrne justice assistance grant — JAG — federal fund — Larned juvenile justice correctional facility .....	No limit
Kansas juvenile delinquency prevention trust fund .....	No limit
Byrne grant — federal fund.....	No limit
Atchison youth residential center fee fund .....	No limit
Beloit juvenile correctional facility fee 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

(c) During the fiscal year ending June 30, 2011, 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, 2011, 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 2011 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.

(d) During the fiscal year ending June 30, 2011, 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, 2011, from the children’s initiatives fund for the juvenile justice authority to another item of appropriation for fiscal year 2011 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.

(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 2011, 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 2011 for purchase of services.

Sec. 97.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$4,699,766

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,250.

Disaster relief ..... \$5,173,836

*Provided*, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Incident management team ..... \$16,415

*Provided*, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Civil air patrol — operating expenditures ..... \$36,496

Military activation payments ..... \$45,002

*Provided*, That all expenditures from the military activation payments account shall be for military activation payments authorized by and subject to the provisions of K.S.A. 2009 Supp. 75-3228, and amendments thereto: *Provided further*, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Kansas military emergency relief ..... \$46,104

*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, 2011, 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:

911 statewide coordinating fees fund ..... \$129,683

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 2011 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

*Provided*, That expenditures may be made from the Kansas military emergency relief fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the 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
Public safety interoperable communications grant program federal fund.....	No limit
Military construction national guard federal fund.....	No limit
National guard civilian youth opportunities federal fund .....	No limit
Community economic assistance brac federal fund.....	No limit
Hazard mitigation grant federal fund .....	No limit
Other needs or individual assistance federal fund.....	No limit
Citizen corps federal fund.....	No limit
Law enforcement terrorism prevention program federal fund .....	No limit
COPS federal fund.....	No limit
IECGP federal fund .....	No limit
NOAA weather alert grant federal fund .....	No limit
National guard museum assistance fund.....	No limit

*Provided*, That all expenditures from the national guard museum assistance fund shall be made for an expansion of the 35th infantry division museum and education center facility.

Great plains joint regional training center fee fund.....	No limit
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*Provided*, That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center

by other state agencies, local government agencies, for-profit organizations 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 great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations 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 great plains joint regional training center fee fund.

(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 2011 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2010 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 2011, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to expenditures for 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 2011 made by this or other appropriation act of the 2010 regular session of the legislature.

Sec. 98.

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, 2011, 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..... \$3,628,715

*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: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 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 ..... \$377,155

Intragovernmental service fund ..... No limit

State fire marshal liquefied petroleum gas fee fund ..... \$174,803

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 2011 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 emer-

gency fund during fiscal year 2011 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.

Fire safety standard and firefighter protection act enforcement fund . . . . .	No limit
Cigarette fire safety standard and firefighter protection act fund . . . . .	No limit

(b) On July 1, 2010, and January 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$188,458 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, 2011, 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, 2011, shall not exceed \$50,000.

(d) During the fiscal year ending June 30, 2011, 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 2011, 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 2011 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2011 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 2011 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(e) During the fiscal year ending June 30, 2011, 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 and any other resources available to the fire marshal fee fund during the fiscal year 2011, 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 2011 are insufficient to meet in full the estimated expenditures for fiscal year 2011 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to 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 specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2011: *Provided*, That the aggregate amount of such transfers during fiscal year 2011 pursuant to this subsection shall not exceed \$500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection is transmitted to the director of accounts and reports during fiscal year 2011, the director of the budget shall transmit a copy of such certification to the director of legislative research.



Sec. 99.

KANSAS PAROLE BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Parole from adult correctional institutions..... \$510,135

Provided, That any unencumbered balance in the parole from adult correctional institutions account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Sec. 100.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures..... \$31,938,642

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, 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, 2011, 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 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

Homeland security 2010 — federal fund..... No limit

Homeland security 2011 — 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

Department of justice — federal recovery act — Edward J. Byrne memorial justice assistance grant program — federal fund..... No limit

Department of justice, office of justice programs and bureau of justice assistance — recovery act rural law enforcement grant program — 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

Aircraft fund — on budget..... No limit

Highway safety fund..... No limit

Capitol area security fund..... No limit

Vehicle identification number fee fund..... No limit  
 Motor vehicle fuel and storeroom sales fund..... No limit  
*Provided*, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further*, That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.  
 Kansas highway patrol operations fund ..... \$19,573,115  
*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  
*Provided*, That expenditures may be made from the highway patrol training center 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 fund.  
 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 deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund.  
 1122 program clearing fund ..... No limit  
 (c) On or before the 10th of each month during the fiscal year ending June 30, 2011, 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, 2010, and January 1, 2011, 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, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$4,708,956.25 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 2011 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 2011 for support and maintenance of the Kansas highway patrol.

(f) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$212,000 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, 2010, or as soon thereafter as moneys are available, 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, 2010, and January 1, 2011, or as soon after each date 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, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$9,000,000 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 2011 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 2011 for the support and maintenance of the Kansas highway patrol.

(j) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$333,588 from the highway patrol training center fund of the Kansas highway patrol to the Kansas highway patrol operations fund of the Kansas highway patrol.

(k) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$240,570 from the general fees fund of the Kansas highway patrol to the Kansas highway patrol operations fund of the Kansas highway patrol.

(l) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$37,153 from the vehicle identification number fee fund of the Kansas highway patrol to the Kansas highway patrol operations fund of the Kansas highway patrol.

Sec. 101.

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, 2011, the following:

Operating expenditures ..... \$14,508,932

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated to the operating expenditures account for fiscal year 2011: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$750: *Provided further*, That, if 2010 Senate Substitute for House Bill No. 2226 is passed by the legislature during the 2010 regular session and enacted into law, then, on July 1, 2010, of the \$14,508,932 appropriated for the above agency for the fiscal year ending June 30, 2011, by this section from the state general fund in the operating expenditures account, the sum of \$218,000 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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

*Provided*, That expenditures may be made from the Kansas bureau of investigation state forfeiture fund for direct or indirect operating expenditures incurred for the conducting

educational classes and training for special agents and other personnel, including official hospitality.

Kansas bureau of investigation federal forfeiture fund..... No limit

*Provided*, That expenditures may be made from the Kansas bureau of investigation federal forfeiture fund for direct or indirect operating expenditures incurred for the conducting educational classes and training for special agents and other personnel, including official hospitality.

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 2011 or any ensuing fiscal year, other than moneys appropriated by this or other appropriation act of the 2010 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, other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature.

High intensity drug trafficking area — federal fund ..... No limit

Criminal justice information system line fund..... \$660,000

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 pre-

vention 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
<i>Provided</i> , 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: <i>Provided, however</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 record check fee fund: <i>Provided further</i> , That expenditures may be made from the record check fee fund for operating expenditures of the Kansas bureau of investigation.	
Intergovernmental service fund.....	No limit
Agency motor pool fund.....	No limit
Marijuana eradication federal fund.....	No limit
National criminal history improvement federal fund.....	No limit
Violence against women federal fund.....	No limit
Public safety partnership and community policing federal fund.....	No limit
Byrne — JAG federal fund.....	No limit
DNA backlog reduction federal fund.....	No limit
Coverdell forensic sciences improvement federal fund.....	No limit
Anti-gang initiative federal fund.....	No limit
Convicted offender/arrestee DNA federal fund.....	No limit
Byrne/JAG — ARRA federal fund.....	No limit
Homeland security federal fund.....	No limit
State homeland security program federal fund.....	No limit

Sec. 102.

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, 2011, 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.....	\$1,384,926

*Provided*, That the emergency medical services board is hereby authorized to fix, charge

and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: *And provided further*, That, notwithstanding any provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute to the contrary, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$2,000.

Education incentive grant payment fund ..... No limit  
*Provided*, That the priority for award of education incentive grants shall be to award such grants to rural areas.

EMS revolving fund ..... No limit  
*Provided*, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: *Provided further*, That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: *And provided further*, That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2011.

(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 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2011 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 2011, as authorized by this or any other appropriation act of the 2010 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 2011 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, 2010, and January 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$125,000 from the emergency medical services operating fund to the educational incentive grant payment fund.

(e) During the fiscal year ending June 30, 2011, 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 2011, 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 2011 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2011 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 2011 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, 2011, if any EMS regional council enters into a grant agreement with the emergency medical service board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council 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 council 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, 2011.

Sec. 103.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$713,536

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Substance abuse treatment programs ..... \$6,646,019

*Provided*, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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. 104.

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, 2011, 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 ..... \$650,005

*Provided*, That expenditures from the Kansas commission on peace officers' standards and training fund for the fiscal year ending June 30, 2011, for official hospitality shall not exceed \$1,000.

Sec. 105.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures .....	\$9,308,539
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated to the operating expenditures account for fiscal year 2011: *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, 2011, 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 .....	\$104,832
Soil amendment fee fund .....	No limit
Agricultural liming materials fee fund .....	No limit
Weights and measures fee fund .....	No limit
Water appropriation certification fund .....	\$553,868
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. 2009 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 .....	\$144,521
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 — federal fund .....	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 — 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: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 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 2011, other than moneys appropriated by this or other appropriation act of the 2010 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.

USDA national agricultural statistics services — federal fund .....	No limit
FDA food protection conference grant — federal fund .....	No limit
Retail food good manufacturing practice management — federal fund ..	No limit
Medicated feed and FDA BSE inspection — federal fund .....	No limit
National floodplain insurance assistance (CAP) — federal fund .....	No limit
FEMA map modernization management support — federal fund .....	No limit
Civil litigation fee fund .....	No limit

*Provided*, That the above agency is authorized to make expenditures from the civil litigation fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: *Provided further*, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales cases, as determined by the secretary of agriculture and the attorney general, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the civil litigation fee fund by the attorney general.

Food safety fund ..... No limit  
*Provided*, That expenditures may be made from the food safety fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the food safety fund: *And provided further*, That the secretary of agriculture is hereby authorized to make expenditures from the food safety fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection authority.

Gifts and donations fund ..... No limit  
*Provided*, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

General fees fund ..... No limit  
*Provided*, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: *Provided further*, That the secretary of agriculture is hereby authorized to fix, charge and collect fees in order to recover all or part of the costs incurred for such regulatory program activities and for official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for the regulatory program activity or official hospitality for which such fees are imposed: *And provided further*, That all amounts received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

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 agriculture 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 the first day of each month during fiscal year 2011, 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.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, for the water plan project or projects specified, the following:

Basin management ..... \$490,032

*Provided*, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Water use..... \$46,200  
*Provided*, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.  
 Interstate water issues ..... \$459,816  
*Provided*, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(d) During the fiscal year ending June 30, 2011, 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 2011 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2011 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, 2010, the director of accounts and reports shall transfer \$99,732 from the state highway fund of the department of transportation to the water structures — state highway fund of the Kansas department of agriculture.

(f) There is appropriated for the above agency from the economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Grain warehouse inspection program operations..... \$75,000  
 Sec. 106.

KANSAS ANIMAL HEALTH DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$778,635  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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, 2011, 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. 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  
 Conversion of materials and equipment 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.

Disease control fund — federal .....	No limit
Animal donation fund .....	No limit
Animal health protection fund .....	No limit

Sec. 107.

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, 2011, 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 \$15,000.	
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, 2011, the following:

State fair debt service .....	\$1,549,854
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(c) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2009 Supp. 75-4125, and amendments thereto, or K.S.A. 44-575 or 44-576, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the state fair board from moneys appropriated from the state general fund or any special revenue fund for the state fair board for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the state fair board from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011, to purchase workers compensation insurance in accordance with this subsection: *Provided*, That all contracts for workers compensation insurance purchased by the state fair board pursuant to this subsection shall be entered into in the manner prescribed for the purchase of supplies, material, equipment or contractual services as provided in K.S.A. 75-3738 through 75-3744, and amendments thereto, and any such contract having a premium or rate in excess of \$500 shall be selected and entered into on the basis of sealed bids: *Provided further*, That all contracts for workers compensation insurance purchased by the state fair board shall not be subject to the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2009 Supp. 75-4125, and amendments thereto: *And provided further*, That, during the fiscal year ending June 30, 2011, if the state fair board procures workers compensation insurance pursuant to this subsection for fiscal year 2011, the state fair board shall not be subject to the self-insurance assessment prescribed by K.S.A. 44-576, and amendments thereto, and the director of accounts and reports shall not transfer any amount for such self-insurance assessment for the state fair board pursuant to that statute: *And provided further*, That, notwithstanding the provisions of K.S.A. 44-575, and amendments thereto, if the state fair board procures workers compensation insurance pursuant to this subsection for fiscal year 2011, the state workers compensation self-insurance fund shall not be liable for any compensation for claims under the workers compensation act relating to the state fair board and arising during the period from July 1, 2010, through June 30, 2011, or for any other amounts otherwise required to be paid under the workers compensation act during such period: *And provided further*, That, if the state fair board procures workers compensation insurance pursuant to this subsection for fiscal year 2011, the state fair board shall notify the secretary of administration and the Kansas health policy authority of the date when such workers compensation insurance policy takes effect.

Sec. 108.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures ..... \$744,134

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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, 2011, 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
Watershed protect approach/WTR RSRCE MGT fund .....	No limit
Conversion of materials and equipment fund .....	No limit
Buffer participation incentive fund .....	No limit
NRCS contribution agreement 2002 farm bill — federal fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, for the following water plan project or projects specified, the following:

Water resources cost share ..... \$2,142,151

*Provided*, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2010, is hereby reappropriated to the water resources cost share account for fiscal year 2011: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2011 shall be made 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 and/or non-salary state conservation commission administration expenditures shall not exceed the amount equal to 6% of the budget amount for fiscal year 2011 for the water resources cost share account.

Nonpoint source pollution assistance ..... \$2,278,435

*Provided*, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Conservation district aid ..... \$2,113,796

*Provided*, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Watershed dam construction ..... \$691,975

*Provided*, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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.

Lake restoration ..... \$656,298

*Provided*, That any unencumbered balance in the lake restoration account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *Provided further*, That the state conservation commission shall make expenditures during fiscal year 2011 from the lake restoration account, from fiscal year 2009 encumbered moneys under contract in the water supply restoration program, for the installation of an alternative public water supply solution for Washington county rural water district no. 1.

Kansas water quality buffer initiatives ..... \$196,770

*Provided*, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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 2011 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.

Riparian and wetland program ..... \$165,144  
*Provided*, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Water transition assistance program ..... \$600,984  
*Provided*, That any unencumbered balance in the water transition assistance program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(d) On or after the effective date of this act, during fiscal year 2009, fiscal year 2010 and fiscal year 2011, all expenditures made by the state conservation commission from the moneys appropriated in the conservation reserve enhancement program account from the state water plan fund for fiscal year 2009, fiscal year 2010 or fiscal year 2011 as authorized by chapter 187 of the 2008 session laws of Kansas, or by this or other appropriation act of the 2010 regular session of the legislature, shall be made by the state conservation commission in accordance with the following: *Provided*, That any unencumbered balance in the conservation reserve enhancement program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *And provided further*, That all expenditures under the conservation reserve enhancement program, referred to as CREP in this subsection, are subject to the following criteria:

(1) The total number of acres enrolled in Kansas in CREP for the four fiscal years 2008, 2009, 2010, and 2011 shall not exceed 40,000 acres;

(2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to one-half of the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area, except that if federal law permits the land enrolled in the CREP program to be used for agricultural purposes such as planting of agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area;

(3) lands enrolled in the conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP;

(4) no more than 25% of the acreage in CREP may be in any one county;

(5) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to CREP; and

(6) only water rights in good standing are eligible for inclusion under CREP: *And provided further*, That to be a water right in good standing the following criteria must be met: (A) At least 50% of the maximum annual quantity authorized to be diverted under the water right has been used in any three years from 2001 through 2005; (B) in the years 2001 through 2005 the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted and shall not have been the subject of enforcement sanctions by the division of water resources in the last four years; and (C) the water right holder has submitted the required annual water use report required by K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years; *And provided further*, That the state conservation commission shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of the 2011 regular session of the legislature which shall contain a description of program activities and shall include: (i) The total water rights, measured in acre feet, retired in CREP during fiscal year 2009, fiscal year 2010, and fiscal year 2011 to date, (ii) the acreage enrolled in CREP during fiscal year 2009 and in fiscal year 2010 and in fiscal year 2011 to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2009 and in fiscal year 2010 and in fiscal year 2011 to date, (iv) the economic impact of the CREP, (v) the change in groundwater levels in the CREP area during fiscal year 2009, fiscal year 2010, and fiscal year 2011 to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2007, and fiscal year 2008, and fiscal year 2009, and fiscal year 2010, and fiscal year 2011, to date, (vii) an assessment of meeting each of the program objectives identified in the agreement with the farm service agency, and (viii) such other information as the state conservation commission shall specify.

(e) During the fiscal year ending June 30, 2011, 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 2011 from the state water plan fund for the state conservation commission to another item of appropriation for fiscal year 2011 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.

Sec. 109.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Water resources operating expenditures ..... \$1,889,952  
*Provided*, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *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, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Local water project match fund ..... No limit  
*Provided*, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local water project match fund: *Provided further*, That all moneys credited to this fund shall be used to match state funds or federal funds, or both for water projects.  
Water supply storage assurance fund ..... No limit  
*Provided*, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2011, 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.

Motor pool vehicle replacement fund ..... No limit  
Reservoir storage beneficial use fund ..... No limit

*Provided*, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, for the state water plan project or projects specified, the following:

Assessment and evaluation .....	\$490,000
<i>Provided</i> , That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
GIS data base development .....	\$175,000
<i>Provided</i> , That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
MOU — storage operations and maintenance .....	\$248,500
<i>Provided</i> , That any unencumbered balance in the MOU — storage operations and maintenance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Technical assistance to water users .....	\$437,443
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Water resource education .....	\$38,500
<i>Provided</i> , That any unencumbered balance in the water resource education account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Wichita aquifer storage and recovery project.....	\$563,531
<i>Provided</i> , That any unencumbered balance in the Wichita aquifer recovery project account in excess of \$100 as of June 30, 2010, is hereby reappropriated to the Wichita aquifer storage and recovery project account for fiscal year 2011.	
Weather modification program.....	\$168,000
<i>Provided</i> , That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Weather stations .....	\$49,000
<i>Provided</i> , That any unencumbered balance in the weather stations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	

(d) During the fiscal year ending June 30, 2011, 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 2011 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2011 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, 2011, 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, 2011, 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 govern-



ment 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, 2011, 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, 2011, 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) During the fiscal year ending June 30, 2011, 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, 2011, from the water assurance 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 the purchase of water supply storage space in reservoirs.

Sec. 110.

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, 2011, the following:

Operating expenditures .....	\$3,408,618
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
State parks operating expenditures .....	\$1,457,810
<i>Provided</i> , That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Reimbursement for annual licenses issued to national guard members...	\$36,500
<i>Provided</i> , 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 2011 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: <i>Provided, however</i> , That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: <i>Provided further</i> , That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Reimbursement for annual park permits issued to national guard members .....	\$18,000
<i>Provided</i> , 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 2011 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, 2010, is hereby reappropriated for fiscal year 2011.

Reimbursement for annual licenses issued to Kansas disabled veterans . . . . . \$74,264

*Provided,* That all moneys in the reimbursement for annual licenses issued to Kansas disabled veterans 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 2011 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans 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 Kansas disabled veterans account to pay the wildlife fee fund for such licenses: *Provided, however,* That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions, have a disability certified by the Kansas commission on veterans affairs as being service connected and such service connected disability is equal to or greater than 30%: *Provided further,* That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: *And provided further,* That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 . . . . . \$24,327,017

*Provided,* That additional expenditures may be made from the wildlife fee fund for fiscal year 2011 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further,* That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2011: *And provided further,* That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further,* That expenditures from this fund for official hospitality shall not exceed \$1,000.

Parks fee fund . . . . . \$6,261,987

*Provided,* That additional expenditures may be made from the parks fee fund for fiscal year 2011 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further,* That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2011: *And provided further,* That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund . . . . . \$976,580

*Provided,* That additional expenditures may be made from the boating fee fund for fiscal year 2011 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further,* That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2011: *And provided further,* That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further,* That expenditures from this fund for official hospitality shall not exceed \$1,000.

Central aircraft fund .....	No limit
<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.	
Department access roads fund .....	\$1,012,347
Wildlife and parks nonrestricted fund .....	No limit
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
<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: (1) Is 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 2011 other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: <i>Provided further</i> , 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, 2011, the following:	
Stream monitoring .....	\$28,800

Sec. 111.

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, 2011, 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
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*Provided*, That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.

Special city and county highway fund.....	No limit
County equalization and adjustment fund.....	\$2,500,000
Highway special permits fund.....	No limit
Highway bond debt service fund.....	No limit
Rail service improvement fund.....	No limit
Transportation revolving fund.....	No limit
Rail service assistance program loan guarantee fund.....	No limit
Railroad rehabilitation loan guarantee fund.....	No limit

*Provided*, That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount which the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2011, 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.

Kansas intermodal transportation revolving fund.....	No limit
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(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2011, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2011 other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Agency operations.....	\$267,887,098
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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

*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, 2010, 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 2011.

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 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings — rehabilitation and repair .....	\$3,454,139
Buildings — reroofing .....	\$380,317
Buildings — other construction, renovation and repair .....	\$1,991,974

(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 2011, expenditures may be made by the above agency from the state highway fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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 2011 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2010, 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 2011.

(d) During the fiscal year ending June 30, 2011, 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 2011 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 2011 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, 2011, 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, 2011, 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, 2011, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2011.

(h) For the fiscal year ending June 30, 2011, 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) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$37,325,000 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2011 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2011: *And provided further*, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.

(j) On July 1, 2010, or soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 75-5061, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,000,000 from the public use general aviation airport development fund to the state highway fund of the department of transportation.

Sec. 112. *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, 2011, made in this or other appropriation act of the 2010 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.....	110.00
Secretary of State .....	54.00
State Treasurer.....	53.50
Insurance Department.....	138.36
<i>Provided</i> , That any attorney positions established in the insurance department for the purpose of defense of the workers compensation fund shall be in addition to any limitation imposed on the full-time and regular part-time equivalent number of positions, excluding seasonal and temporary positions, paid from appropriations made for fiscal year 2011 for the department of insurance.	
Department of Commerce .....	314.75
Health Care Stabilization Fund Board of Governors .....	18.00
Judicial Council .....	7.00
Kansas Human Rights Commission.....	34.00
State Corporation Commission.....	214.00
Citizens' Utility Ratepayer Board .....	6.00
Department of Administration .....	746.95
Office of Administrative Hearings .....	13.00
State Court of Tax Appeals.....	26.00
Department of Revenue.....	1,096.00
Kansas Health Policy Authority .....	294.65
Kansas Lottery .....	99.00
Kansas Racing and Gaming Commission — state racing operations and expanded lottery act regulation division .....	49.53
Kansas Racing and Gaming Commission — state gaming agency.....	24.00
Department of Labor .....	552.00
Kansas Commission on Veterans Affairs.....	498.00
Department of Health and Environment — Division of Health.....	363.40
Department of Health and Environment — Division of Environment...	428.03
Department on Aging.....	214.00
Department of Social and Rehabilitation Services .....	3,669.13

Kansas Neurological Institute .....	546.70
Larned State Hospital .....	976.20
Osawatomie State Hospital .....	441.40
Parsons State Hospital and Training Center .....	495.20
Rainbow Mental Health Facility .....	122.20
Kansas, Inc. ....	4.50
Kansas Guardianship Program .....	11.00
State Library .....	25.00
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 .....	3,055.00
Juvenile Justice Authority .....	499.50
Adjutant General .....	221.00
State Fire Marshal .....	53.00
Kansas Parole Board .....	3.00
Attorney General — Kansas Bureau of Investigation .....	221.00
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 .....	343.50
<i>Provided</i> , That, if 2010 Senate Bill No. 570 is not passed by the legislature during the 2010 regular session and enacted into law, then, on July 1, 2010, the position limitation established for the fiscal year ending June 30, 2011, by this subsection for the Kansas department of agriculture is hereby decreased from 343.50 to 341.50.	
Kansas Animal Health Department .....	33.00
State Fair Board .....	24.00
State Conservation Commission .....	13.00
Kansas Water Office .....	23.50
Department of Wildlife and Parks .....	417.50
Department of Transportation .....	3,113.50

(b) During the fiscal year ending June 30, 2011, 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 director of legislative research and the director of the budget.

(c) During the fiscal year ending June 30, 2011, 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 2011 made in this or other appropriation act of the 2010 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 2011 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 director of legislative research and the director of the budget.

Sec. 113. (a) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general

fund for the fiscal year ending June 30, 2011, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2011 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a, and amendments thereto, an aggregate amount of allowance (A) of \$354.15 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2011 and for each of the 14 ensuing two-week periods thereafter, and (B) of \$354.15 for the two-week period which coincides with the biweekly payroll period which includes April 3, 2011, which is chargeable to fiscal year 2011 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2011, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (a) and which are chargeable to fiscal year 2011.

(b) (1) 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 2010 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 as authorized by this or other appropriation act of the 2010 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 2011 to provide each employee, who is eligible for a longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, an additional amount of longevity bonus payment during fiscal year 2011 equal to the amount required to provide, along with the amount of the longevity bonus payment otherwise payable pursuant to K.S.A. 75-5541, and amendments thereto, an aggregate amount of longevity bonus that would be payable if the amount of the longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, were determined by multiplying the number of full years of state service, not to exceed 25 years, rendered by such employee by \$50: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same time that the longevity bonus payment determined under K.S.A. 75-5541, and amendments thereto, is payable during fiscal year 2011 to such employee: *Provided further*, That each such additional amount of longevity bonus payment to any such employee shall be deemed to have the same characteristics, be subject to the same withholding, deduction or contribution requirements, and is intended to be a bonus as defined in 29 C.F.R. § 778.208, to the same extent and effect as longevity bonus payments that are payable pursuant to K.S.A. 75-5541, and amendments thereto.

(2) As used in this subsection (b), "state agency" means any state agency in the executive branch, legislative branch or judicial branch of state government and "employee" means any officer or employee of a state agency.

(c) On July 1, 2010, of the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2011, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, and that is budgeted for fiscal year 2011 for payment of longevity bonus payments pursuant to K.S.A. 75-5541, and amendments thereto, and including the additional amount of longevity bonus payment as provided in subsection (b), the amount equal the amount budgeted for fiscal year 2010 in each such account of the state general fund for such longevity bonus payments, as certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.



Sec. 114.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities.....	\$163,741
<i>Provided</i> , That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Judicial center rehabilitation and repair .....	\$81,946
<i>Provided</i> , That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Replace Docking chillers .....	\$483,885
Kansas department of transportation — CTP — debt service.....	\$16,150,975
Statehouse improvements — debt service.....	\$16,271,413
Capitol complex repair and rehabilitation .....	\$2,458,406
Judicial center improvements — debt service.....	\$100,150
Restructuring debt service.....	\$2,470,809

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 .....	No limit
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
Capitol area plaza authority planning fund .....	No limit

*Provided*, That, the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza and the state zoning area described in K.S.A. 75-3619, and amendments thereto: *Provided further*, That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol plaza area authority planning fund.

(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 2011, 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 2011 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 by the above agency from the building and ground fund for fiscal year 2011, expenditures may be made by the above agency from the building and ground fund for fiscal year 2011 from any unencumbered balance as of June 30, 2010, 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 2011 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2011 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 2011.

(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 2011, 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 2011 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 2011.

(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 2011, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011.

(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 2011, 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 2011 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 2011, 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 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Printing plant — debt service .....	No limit
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(i) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service depreciation reserve fund for fiscal year 2011, 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 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair .....	\$75,000
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Sec. 115.

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 2011, 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 2011, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service — 1430 Topeka facilities .....	\$136,770
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(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 2011, 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 2011, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair .....	\$80,000
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Sec. 116.

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, 2011, 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. 117.

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, 2011, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects..... \$2,702,629

Provided, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 2011 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 2011 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 ..... \$3,822,570

Debt service — state hospitals rehabilitation and repair..... \$2,584,371

(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 2011, expenditures may be made by the above agency from the other state fees fund for fiscal year 2011 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 2011.

Sec. 118.

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 2011, expenditures may be made by the above agency from the employment security administration fund for fiscal year 2011 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 2011 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 2011 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 \$40,000 plus the amounts of unencumbered balances as of June 30, 2010, for capital improvement projects approved for fiscal years prior to fiscal year 2011: 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 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Employment security administration property sale fund..... No limit

Provided, That the secretary of labor is hereby authorized to make expenditures from the

employment security administration property sale fund for the unemployment insurance program: *Provided, however,* That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(c) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund for fiscal year 2011 as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2011 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 2011 by this or other appropriation act of the 2010 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 2011, expenditures may be made by the above agency from the special employment security fund for fiscal year 2011 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 the special employment security fund for fiscal year 2011 for such capital improvement purposes shall not exceed \$278,158: *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 2011.

Sec. 119.

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, 2011, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects .....	\$1,385,765
Veterans' home rehabilitation and repair projects.....	\$486,505

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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. 120.

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, 2011, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects .....	\$78,600
Johnson building roofing project .....	\$239,700
Sec. 121.	

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, 2011, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects .....	\$205,000
Electrical distribution project .....	\$339,415
Sec. 122.	

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Rehabilitation and repair projects .....	\$125,000
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*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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
Private gifts, grants and bequests .....	No limit

(c) In addition to other purposes for which expenditures may be made by the above agency from the state historical society facilities fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the state historical society facilities fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects .....	\$50,000
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state historical society facilities fund for fiscal year 2011.

(d) In addition to other purposes for which expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the historic properties fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects .....	\$34,477
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the historic properties fee fund for fiscal year 2011.

Sec. 123.

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, 2011, 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, 2011, 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 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 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, 2009.

(c) In addition to the other purposes for which expenditures may be made by Emporia state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Emporia state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012, 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 memorial student union: *Provided*, That such capital improvement project is hereby approved for Emporia 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 Emporia 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 \$25,030,000, 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 of Emporia state university.

Sec. 124.

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, 2011, 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
Soccer facility fund .....	No limit
Wind power generation facility fund.....	No limit

(b) During the fiscal year ending June 30, 2011, 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 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 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, 2009.

(c) 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 2011, as authorized by this or other appropriation act of the 2010 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 2011 to raze wing “A” of Wiest hall.

Sec. 125.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified as follows:

Lease payment — Salina aeronautical center (including aeronautical laboratory center) ..... \$165,396

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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
Child care fund.....	No limit

(c) 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 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 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 2011 or fiscal year 2012, 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 special revenue fund or funds of Kansas state university.

(d) 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 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 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 2011 or for fiscal year 2012 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 any special revenue fund or funds or any other appropriate fund.

(e) During the fiscal year ending June 30, 2011, 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 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 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, 2009.

(f) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 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 2011 or fiscal year 2012 to raze building no. 457 (elevator and feed mill), building no. 437 (herdsman house), building no. 10002 (art kiln), building no. 145 (vet surgical instruction), building no. 200 (vet research lab greyhound kennels), building no. 224 (food animal barn and shed) and portions of building no. 025 (seaton court).

Sec. 126.

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, 2011, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2011 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 2011, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Southeast agriculture research center buildings .....	No limit
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(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Greenhouse laboratory construction fund .....	No limit
Horticulture research/education center construction fund .....	No limit

(d) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 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 2011 or fiscal year 2012 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 special revenue fund or 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 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 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 2011 or fiscal year 2012 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 special revenue fund or funds.

Sec. 127.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Armory/classroom/recreation center debt service .....	\$323,999
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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, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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) During the fiscal year ending June 30, 2011, 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 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 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, 2009.

(d) 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 2011 by this or other appropriation act of the 2010 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 2011 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.

(e) 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 2011 by this or other appropriation act of the 2010 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 2011 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.

Sec. 128.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal

year ending June 30, 2011, for the capital improvement project or projects specified as follows:

School of pharmacy debt service ..... \$1,631,243

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union renovation revenue fund ..... No limit

Student health facility maintenance, repair, and equipment fee fund..... No limit

Regents center revenue fund — K DFA D bonds, 1990..... No limit

Parking facilities surplus fund — K DFA G bonds, 1993 ..... No limit

*Provided*, That the university of Kansas may make expenditures from the parking facilities surplus fund — K DFA G bonds, 1993 for capital improvements to parking lots in addition to the expenditure of other moneys appropriated therefor: *Provided further*, That the university of Kansas may transfer moneys during fiscal year 2011 from the parking facilities surplus fund — K DFA G bonds, 1993 to the restricted fees fund.

Deferred maintenance support fund..... No limit

Infrastructure maintenance fund..... No limit

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

Student recreation & fitness center revenue fund ..... No limit

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

*Provided*, That the university of Kansas may transfer moneys during fiscal year 2011 from the restricted fees fund or 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

*Provided*, 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.

Smissman hall renovation fund..... No limit

*Provided*, That the university of Kansas may transfer moneys during fiscal year 2011 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.

(c) During the fiscal year ending June 30, 2011, 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 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 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, 2009.

(d) 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 2011 by this or other appropriation act of the 2010 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 2011 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.

(e) 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 fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 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 2011 or for fiscal year 2012 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 building number four, Edwards campus: *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 \$24,950,000, 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, credit enhancement costs 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 any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

Sec. 129.

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, 2011, 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
Construct parking facility #4 fund.....	No limit

*Provided*, That the university of Kansas medical center may transfer moneys during fiscal year 2011 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

(b) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored research overhead fund to the construct and equip center for health in aging bond revenue fund.

(c) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 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 2011 or fiscal year 2012 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 \$9,100,000, 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 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 special revenue fund or funds.

(d) During the fiscal year ending June 30, 2011, 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 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 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, 2009.

(e) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 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 2011 or for fiscal year 2012 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 remodel the KU clinical research 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 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 \$25,000,000, 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, credit enhancement costs 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 any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

(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 any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the university of Kansas medical center of the moneys appropriated from any special revenue fund for fiscal year 2011 or for fiscal year 2012 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 renovate the Hixon/Wahl east/Wahl west laboratory complex: *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 \$34,000,000, 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, credit enhancement costs 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 any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

Sec. 130.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Aviation research debt service..... \$1,647,276

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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, 2011, 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 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 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, 2009.

Sec. 131.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

PEI infrastructure — debt service ..... \$6,219,875

*Provided*, That, during the fiscal year ending June 30, 2011, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund for fiscal year 2011 in the PEI infrastructure — debt service account of the state general fund for fiscal year 2011 after the principal payment has been received for fiscal year 2011 by the state treasurer from the postsecondary institutions that were recipients of the PEI infrastructure bond proceeds, (1) the state board of regents may expend the amount of moneys appropriated for fiscal year 2011 in the PEI infrastructure — debt service account for the principal payment from the PEI infrastructure — debt service account for any other purpose for which moneys are appropriated for fiscal year 2011 from the state general fund for the state board of regents; or (2) the state board of regents may transfer such amount of moneys from the PEI infrastructure — debt service account of the state general fund for fiscal year 2011 to an account or accounts of the state general fund of any institution under the control and supervision of the state board of regents to be expended by the institution for a purpose for which expenditures may be made for fiscal year 2011 from such account or accounts and which is approved by 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 PEI infrastructure — debt service account of the state general fund for fiscal year 2011: *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, 2011, 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:

Postsecondary educational infrastructure finance K DFA 2008A revenue fund ..... No limit  
Infrastructure maintenance fund..... No limit

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2011, 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.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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  
 Sec. 132.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues..... \$577,303  
 Debt service payment for the infrastructure projects bond issue ..... \$1,544,000  
 Debt service payment for the reception and diagnostic unit relocation  
 bond issue ..... \$1,402,000

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2011, 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..... \$3,088,303

*Provided*, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2011 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 2011 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

Debt service payment for the prison capacity expansion projects bond  
 issue ..... \$129,000

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Correctional facilities infrastructure projects fund ..... No limit

*Provided*, That the department of corrections may make expenditures from the correctional facilities infrastructure projects fund for a capital improvement project or projects to improve agency facilities: *Provided, however*, That expenditures from this fund for such capital improvement project or projects, including necessary furniture and equipment, shall not exceed the amount transferred to the correctional facilities infrastructure projects fund: *Provided further*, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2011 from the correctional facilities infrastructure projects fund to an account or subaccount of the correctional facilities infrastructure projects fund of any institution or facility under the jurisdiction of the secretary of corrections.

(d) In addition to other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the correctional institutions building fund or from any other special revenue fund or funds for fiscal year 2011 as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the correctional institutions building fund or from any special revenue fund or funds for FY 2011 to raze the training building no. 4005, at the Hutchinson correctional facility.

Sec. 133.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Capital improvements — rehabilitation and repair of juvenile correctional  
 facilities ..... \$860,973

*Provided*, That the commissioner of juvenile justice is hereby authorized to transfer moneys during fiscal year 2011 from the capital improvements — rehabilitation and repair of juvenile



correctional facilities account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to an account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to be expended during fiscal year 2011 for capital improvement projects approved by the commissioner of juvenile justice: *Provided further*, That 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 the budget and the director of legislative research.

Debt service — Topeka complex and Larned juvenile correctional facility..... \$4,000,013  
Sec. 134.

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 2011, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Rehabilitation and repair — training center — Salina..... \$51,560

*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 2011.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2011, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — vehicle inspection facility — Olathe ..... \$60,556

*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 2011.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2011, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — Topeka fleet service ..... \$373,200

Scale replacement and rehabilitation and repair of buildings..... \$95,000

*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 2011.

(d) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$468,200 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 2011 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 2011 for support and maintenance of the Kansas highway patrol.

Sec. 135.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Debt service — training center ..... \$721,263

Debt service — armory/classroom/recreation center at PSU..... \$115,588

Debt service — rehabilitation and repair of the statewide armories ..... \$2,478,091

Rehabilitation and repair projects ..... \$176,345  
*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Comprehensive armory construction and rehabilitation fund ..... No limit

*Provided*, That the adjutant general is hereby authorized to make expenditures from the comprehensive armory construction and rehabilitation fund for capital improvement projects for acquisition, construction, equipping, furnishing, renovation, reconstruction and repair of armories or for payment of debt service on revenue bonds issued to finance such projects: *Provided further*, That the adjutant general may make expenditures from this fund for the payment of debt service on revenue bonds issued to finance such projects: *And provided further*, That prior to the issuance of any bonds authorized by this section or making first expenditure from this fund for any such capital improvement project, the adjutant general shall pursue the availability of alternative funding from local, state, federal and private funding sources for all or part of the costs of such capital improvement project and shall report to the state finance council concerning such capital improvement project and the proposed issuance of bonds for such project: *And provided further*, That such report to the state finance council shall specifically include information about the proposed utilization of bond proceeds for such capital improvement project and the availability and use of other sources including local, state, federal and private funds for such project: *And provided further*, That capital improvement projects for the acquisition, construction, equipping, furnishing, renovation, reconstruction and repair of armories are hereby approved for the adjutant general for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of one or more series of revenue bonds by the Kansas development finance authority in accordance with that statute, except that no bonds shall be issued for any such capital improvement project except 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 approval by the state finance council may be given when the legislature is in session: *And provided further*, That the aggregate amount of all such revenue bonds issued shall not exceed \$3,000,000 for the fiscal year ending June 30, 2011, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for one or more of such capital improvement projects and any required reserves for payment of principal and interest on any such bonds: *And provided further*, That all moneys received from issuance of any such bonds shall be deposited in the state treasury and credited to this fund.

Sec. 136.

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, 2011, 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, 2011, 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. 137.

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, 2011, for the capital improvement project or projects specified, the following:

Debt service — Kansas city district office ..... \$6,300  
*Provided*, That any unencumbered balance in the parks ongoing rehabilitation account in excess of \$100 as of June 30, 2010, is hereby reappropriated to the debt service — Kansas city district office account for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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 2011 shall be for projects at the state parks.  
 Bridge maintenance fund ..... No limit

(c) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,649,819 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, 2010, 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 2011, expenditures may be made by the above agency from the parks fee fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the parks fee fund for fiscal year 2011.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

River access ..... \$150,000  
 Debt service — Kansas city district office ..... \$10,350

*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 2011.

(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 2011, expenditures may be made by the above agency from the boating fee fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2011.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fund — federal for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fund — federal for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair ..... \$25,000

*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 2011.

(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 2011, expenditures may be made by the above agency from the boating fund — federal for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fund — federal for fiscal year 2011.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Federally mandated boating access .....	\$1,140,000
Land acquisition .....	\$1,000,000
Rehabilitation and repair .....	\$367,500
Debt service — Kansas city office .....	\$28,350

*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 2011.

(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 2011, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fee fund for fiscal year 2011.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2011, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2011.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation .....	\$300,000
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2011.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2011, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the cabin revenue 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, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the cabin revenue fund for fiscal year 2011.

(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 2011, expenditures may be made by the above agency from the wildlife conservation fund — federal for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund — federal for fiscal year 2011.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fund — federal for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development .....	\$200,000
Land acquisition .....	\$1,000,000

*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 2011.

(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 2011, expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fund — federal for fiscal year 2011.

(r) 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 2011, 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 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition .....	\$200,000
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2011.

(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 2011, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 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 2011.

(t) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund — federal for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the nongame wildlife improvement fund — federal for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land acquisition ..... \$100,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund — federal for fiscal year 2011.

(u) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund — local for fiscal year 2011, expenditures may be made by the above agency from the land and water conservation fund — local for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the land and water conservation fund — local: *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, 2010: *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 — local for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund — local for fiscal year 2011.

(v) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund — state for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the land and water conservation fund — state for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair ..... \$500,000

*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 — state for fiscal year 2011.

(w) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund — state for fiscal year 2011, expenditures may be made by the above agency from the land and water conservation fund — state for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the land and water conservation fund — state: *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, 2010: *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 — state for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund — state for fiscal year 2011.

(x) In addition to the other purposes for which expenditures may be made by the above agency from the other federal grants fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the other federal grants fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Trail development ..... \$585,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the other federal grants fund for fiscal year 2011.

(y) In addition to the other purposes for which expenditures may be made by the above agency from the other federal grants fund for fiscal year 2011, expenditures may be made by the above agency from the other federal grants fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the other federal grants 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, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the other federal grants fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the other federal grants fund for fiscal year 2011.

(z) 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 2011, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, 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, 2010: *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 2011 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 2011.

(aa) In addition to the other purposes for which expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2011, expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the Tuttle Creek state park mitigation project 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, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the Tuttle Creek state park mitigation project fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the Tuttle Creek state park mitigation project fund for fiscal year 2011.

Sec. 138. (a) On and after July 1, 2010, notwithstanding the provisions of K.S.A. 2009 Supp. 74-99b34, and amendments thereto, or any other statute, the aggregate amount equal to (1) the annual amount equal to 95% of withholding above the base, as certified or estimated and reconciled by the secretary of revenue, plus (2) annual interest earnings based on the average daily balance of moneys in the bioscience development and investment fund and the net earnings rate of the pooled money investment portfolio, that is directed to be transferred during the fiscal year ending June 30, 2011, from the state general fund to the bioscience development and investment fund by K.S.A. 2009 Supp. 74-99b34, and amendments thereto, is hereby decreased from such aggregate amount, which would otherwise be transferred pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto, to the aggregate annual amount of \$35,000,000: *Provided*, That not more than \$35,000,000 shall be transferred from the state general fund to the bioscience development and investment fund during the fiscal year ending June 30, 2011, pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto: *Provided further*, That the state treasurer shall certify to the director of the budget and the director of legislative research when \$35,000,000 has been transferred from the state general fund to the bioscience development and investment fund during the fiscal year ending June 30, 2011, pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto.

(b) On and after July 1, 2011, notwithstanding the provisions of K.S.A. 2009 Supp. 74-99b34, and amendments thereto, or any other statute, the aggregate amount equal to (1) the annual amount equal to 95% of withholding above the base, as certified or estimated

and reconciled by the secretary of revenue, plus (2) annual interest earnings based on the average daily balance of moneys in the bioscience development and investment fund and the net earnings rate of the pooled money investment portfolio, that is directed to be transferred during the fiscal year ending June 30, 2012, from the state general fund to the bioscience development and investment fund by K.S.A. 2009 Supp. 74-99b34, and amendments thereto, is hereby decreased from such aggregate amount, which would otherwise be transferred pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto, to the aggregate annual amount of \$35,000,000: *Provided*, That not more than \$35,000,000 shall be transferred from the state general fund to the bioscience development and investment fund during the fiscal year ending June 30, 2012, pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto: *Provided further*, That the state treasurer shall certify to the director of the budget and the director of legislative research when \$35,000,000 has been transferred from the state general fund to the bioscience development and investment fund during the fiscal year ending June 30, 2012, pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto.

Sec. 139. On June 30, 2011, notwithstanding the provisions of K.S.A. 79-4804, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$3,743,605 from the state economic development initiatives fund to the state general fund.

Sec. 140. (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 48(h)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, 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 48(h)(2) of chapter 2 of the 2009 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 48(i)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, 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 48(i)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(c) 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 86(d)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, 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 86(d)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(d) 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 86(e)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, 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 86(e)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.



(e) 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 86(f)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, 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(c) of chapter 160 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 86(f)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(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 86(i)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, 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) of chapter 3 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 86(i)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 141. On the effective date of this act, K.S.A. 2009 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, *except that (1) for the fiscal year ending June 30, 2010, notwithstanding the other provisions of this section, on March 1, 2010, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year 2010 from state fair activities and non-fair days activities through March 1, 2010; and (2) for the fiscal year ending June 30, 2011, notwithstanding the other provisions of this section, on March 1, 2011, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$350,000 or the amount equal to 5% of the total gross receipts during fiscal year 2011 from state fair activities and non-fair days activities through March 1, 2011, except that, (1) subject to approval by the director of the budget prior to March 1, 2010, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2010, the state fair board may certify an amount on March 1, 2010, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2010, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2010, and (2) subject to approval by the director of the budget prior to March 1, 2011, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state*

*fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2011, the state fair board may certify an amount on March 1, 2011, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2011, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2011. Upon receipt of any 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, 2010, and June 30, 2011, shall be considered to be revenue transfers from the state general fund, and (3) no moneys shall be transferred pursuant to this section from the state general fund to the state fair capital improvements fund during the fiscal year years ending June 30, 2010, June 30, 2011, or June 30, 2012.*

Sec. 142. On July 1, 2010, K.S.A. 2009 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2009 Supp. 12-5253 through 12-5255, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) On the effective date of this act and on July 1, 2008, ~~July 1, 2011, July 1, 2012~~, July 1, 2013, and July 1, 2014, the director of accounts and reports shall transfer \$4,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2009 Supp. 74-8959, and amendments thereto. On July 1, ~~2009~~ 2012, the director of accounts and reports shall transfer \$2,000,000 from the economic development initiatives fund to the state housing trust fund established by K.S.A. 2009 Supp. 74-8959, and amendments thereto. On July 1, ~~2010~~ 2012, the director of accounts and reports shall transfer \$2,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2009 Supp. 74-8959, and amendments thereto.

Sec. 143. On July 1, 2010, K.S.A. 2009 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, 2016, 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 2009 ~~or~~, state fiscal year 2010, *state fiscal year 2011 or state fiscal year 2012*; (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 2009 shall not exceed \$320,000; ~~and~~ (c) 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 2010 shall not exceed \$288,000; *and (d) 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 2011 shall not exceed \$374,865.*

Sec. 144. On July 1, 2010, K.S.A. 2009 Supp. 72-8814 is hereby amended to read as follows: 72-8814. (a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school

district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2009 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;

(6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.

(c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts, *except that no transfers shall be made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending June 30, 2011, or June 30, 2012.* All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.

(e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 145. On July 1, 2010, K.S.A. 2009 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) Subject to the provisions of subsection (f), in each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2009 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and

(7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal ~~year~~ *years* ending June 30, ~~2007~~ *2011*, and June 30, *2012*, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when

determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 146. On July 1, 2010, K.S.A. 2009 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, ~~2010~~ 2011, 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 ~~2009~~ 2010 regular session of the legislature.

Sec. 147. On July 1, 2010, K.S.A. 2009 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2009 Supp. 76-774 and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either (1) the endowed professorship account of the faculty of distinction matching fund of the 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. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, ~~2007~~ 2011, and June 30, ~~2008~~ 2012, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal

year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section and amendments thereto for a fiscal year is equal to or greater than \$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.

Sec. 148. On July 1, 2010, K.S.A. 2009 Supp. 76-783, as amended by section 33 of 2010 House Bill No. 2557, is hereby amended to read as follows: 76-783. (a) (1) The Kansas development finance authority is hereby authorized to issue from time to time bonds on behalf of the board of regents in such principal amounts as the Kansas development finance authority and the board of regents determine to be necessary to provide sufficient funds to finance scientific research and development facilities, including, but not limited to, the payment of interest on such bonds, the establishment of reserves to secure such bonds, costs of issuance, refunding any outstanding bonds, and all other expenditures of the board of regents incident to and necessary or convenient to carry out the powers and functions authorized by this act. The Kansas development finance authority shall not issue any bond or bonds on behalf of the corporation formed by the board of regents under this act. The Kansas development finance authority shall not issue bonds under this act for more than \$120,000,000, in the aggregate, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such scientific research and development facilities and any required reserves for payment of principal and interest on any such bond.

(2) Except as may otherwise be expressly provided by the board of regents, every obligation of the board of regents with respect to such bonds shall be an obligation of the board of regents payable out of any revenues or moneys of the board of regents derived from annual appropriations of the legislature. Subject only to any agreements with holders of particular bonds pledging any particular revenues, the board of regents shall use moneys derived from scientific research and development facilities to provide funds sufficient to pay principal and interest on any bonds issued pursuant to this act commencing after the date a project is completed and has been accepted by the board of regents. Subject to the provisions of appropriation acts, payment of principal and interest on the bonds shall be made by the state board of regents from annual appropriations by the legislature from such revenues as are furnished by the board of regents, or from any other available funds, in amounts sufficient to pay principal and interest on the bonds until the bonds are finally paid.

(3) Upon acceptance by the board of regents of each project initiated and completed under this act and upon a determination by the board of regents that the period for repayment of debt for such project is to commence, the board of regents shall certify to the director of accounts and reports that principal and interest payments for such project are to commence and the dates and amounts of all principal and interest payments for such project. Pursuant to each such certification and commencing on or after July 1, 2004, the director of accounts and reports shall transfer, from the state general fund to the debt service fund or funds at a state educational institution as specified in the certification for such project, the amount certified on or before the respective payment date therefor. Transfers shall be made under this section pursuant to any such certification on or after July 1, 2004. *All such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, shall be considered to be revenue transfers from the state general fund.* The aggregate of all such transfers from the state general fund during any fiscal year shall not exceed \$10,000,000 and the aggregate of all such transfers from the state general fund under this section shall not exceed \$50,000,000. The Kansas development finance authority and the board of regents shall enter into contracts with respect to the scientific research and development facilities financed under this act prescribing the obligation of the board of regents and the state educational institutions to provide for repayment of amounts of bond debt service in addition to those amounts provided for by transfers under this section from the state general fund.

(b) (1) The bonds shall be authorized by a resolution adopted by the board of directors of the Kansas development finance authority.

(2) Except as otherwise provided in this act, bonds issued by the Kansas development finance authority under authority of this act shall be subject to the provisions of K.S.A. 74-8901 *et seq.*, and amendments thereto.

(c) Any resolution authorizing the board of regents to incur any obligation with respect to bonds issued by the Kansas development finance authority may contain such provisions as deemed appropriate by the board of regents for the purpose of carrying out the purposes of this act and securing such bonds, which shall be a part of the contract with the holders thereof, including, but not limited to, provisions:

(1) Pledging all or any part of the revenues of the board of regents derived from scientific research and development facilities to secure the payment of the bonds or of any issue thereof, subject to such agreements with bondholders as may then exist;

(2) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(3) limitations on the issuance of additional bonds or other obligations, the terms upon which additional bonds or obligations may be issued and secured, and the refunding of outstanding or other bonds;

(4) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the board of regents to the Kansas development finance authority, the applicable bond trustee or the holders of the bonds, except that such rights and remedies shall not be inconsistent with the general laws of this state and the other provisions of this act; and

(5) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.

(d) Any of the provisions relating to any bonds described in this section may be set forth in a trust indenture, loan agreement, lease agreement or other financing document authorized by a resolution of the board of regents or the board of directors of the Kansas development finance authority.

(e) The bonds of each issue may, in the discretion of the board of directors of the Kansas development finance authority, be made redeemable before maturity at such prices and under such terms and conditions as may be determined by the board of directors of the Kansas development finance authority. Bonds issued on behalf of the board of regents shall mature at such time, not exceeding 30 years from their date of issue, as may be determined by the board of regents and the board of directors of the Kansas development finance authority. The bonds may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The bonds shall bear interest at such rate either fixed or variable, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment and at such place, and be subject to such terms of redemption as provided in the resolution of trust indenture. The bonds may be sold by the Kansas development finance authority, at public or private sale, at such price as the board of directors of the Kansas development finance authority shall determine.

(f) In case any officer of the Kansas development finance authority whose signature or a facsimile of whose signature appears on any bonds or coupons attached thereto ceases to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

(g) Any bonds issued by the Kansas development finance authority pursuant to this section, and the income therefrom (including any profit from the sale thereof) shall at all times be free from taxation by the state or any agency, political subdivision or instrumentality of the state, including income and property taxes.

(h) Any holder of bonds issued under the provisions of this act, or any coupons appertaining thereto and the trustee under any trust agreement or resolution authorizing the issuance of such bonds, except the rights under this act may be restricted by such trust agreement or resolution, may, either at law or in equity by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the state or granted under this act or under such agreement or resolution, or under any other contract executed by the board of regents pursuant to this act, and may enforce and compel the performance

of all duties required by this act or by such trust agreement or resolution to be performed by the board of regents or by an officer thereof.

(i) The bonds shall be special, limited obligations of the Kansas development finance authority and the state shall not be liable for bonds issued by the Kansas development finance authority on behalf of the board of regents, and such bonds shall not constitute a debt of the state.

(j) Neither the board of regents, the board of the Kansas development finance authority nor any authorized employee of the board of regents or the Kansas development finance authority shall be personally liable for such bonds by reason of the issuance thereof.

(k) Nothing in this act shall be construed as a restriction or limitation upon any other powers which the board of regents might otherwise have under any other law of this state, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds under the provisions of this act need not comply with the requirements of any other state law applicable to the issuance of bonds. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument as security therefor, except as is provided in this act.

(l) Any of the provisions relating to bonds described in this section may be included in any contracts between the board of regents and the Kansas development finance authority relating to obligations of the Kansas development finance authority issued on behalf of the board of regents.

Sec. 149. On July 1, 2010, K.S.A. 2009 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2009 Supp. 76-7,104, and amendments thereto.

(2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2009 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2010, pursuant to this section.

~~(3) On July 1, 2010, or as soon thereafter as sufficient moneys are available, \$15,000,000~~ No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2009 Supp. 76-7,104, and amendments thereto, *during the fiscal year ending June 30, 2011, pursuant to this section.*

~~(4) On July 1, 2011, or as soon thereafter as sufficient moneys are available, \$10,000,000~~ No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2009 Supp. 76-7,104, and amendments thereto *during the fiscal year ending June 30, 2012, pursuant to this section.*

(b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

Sec. 150. On July 1, 2010, K.S.A. 2009 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 2009, 2010 ~~and~~ 2011, *and* 2012, and (2) the amount of the transfer on each such date shall be \$13,500,000 during fiscal year ~~2012~~ 2013, \$20,250,000 during fiscal year ~~2013~~ 2014, and



\$27,000,000 during fiscal year ~~2014~~ 2015 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 ~~2012~~ 2013 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. 151. On July 1, 2010, K.S.A. 2009 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 ~~2010~~ 2011 and ~~2011~~ 2012. 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. 152. On July 1, 2010, K.S.A. 2009 Supp. 79-2978 is hereby amended to read as follows: 79-2978. (a) There is hereby established in the state treasury the business machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the business machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2008, subject to the provisions of subsection (d), the state treasurer shall pay to the county treasurer of each county an amount equal to 90% of such difference for distribution as provided in subsection (e).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On March 2, 2009, subject to the provisions of subsection (d) and subsection (g), the state treasurer shall pay to the county treasurer of each county an amount equal to 70% of such difference for distribution as provided in subsection (e).

(3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2010, subject to the provisions of subsection (d), the state treasurer shall pay to the county treasurer of each county an amount equal to 50% of such difference for distribution as provided in subsection (e).

(4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2011, subject to the provisions of subsection (d), the state treasurer shall pay to the county treasurer of each county an amount equal to 30% of such difference for distribution as provided in subsection (e).

(5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2012, subject to the provisions of subsection (d), the state treasurer shall pay to the county treasurer of each county an amount equal to 10% of such difference for distribution as provided in subsection (e).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) The calculations required by subsection (b) shall be based upon a certification made by the county clerk on or before November 15 of the tax year and submitted to the director of property valuation. Such certification shall be in a format devised and prescribed by the director of property valuation. Such certification shall report the total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment. The county clerk shall provide a copy of such certification to the county treasurer for the purpose of determining the distribution of moneys pursuant to the provisions of subsection (e)(2) paid to the county pursuant to subsection (b) by the state treasurer.

(d) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(e) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the business machinery and equipment tax reduction assistance fund, except that (A) the aggregate amount of moneys transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2009, pursuant to this section shall not exceed the maximum amount determined pursuant

to subsection (g), (B) an amount equal to 50% of the maximum amount determined pursuant to subsection (g) shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund on March 2, 2009, and (C) no moneys shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2010, pursuant to this section, (D) no moneys shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2011, pursuant to this section, and (E) no moneys shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2012, pursuant to this section.

(2) The state treasurer shall apportion and distribute the moneys credited to the business machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions imposing ad valorem taxes on commercial and industrial machinery and equipment in an amount equal to the difference between the total ad valorem taxes on commercial and industrial machinery and equipment levied by each such ad valorem taxing subdivision for the tax year 2005 and the total ad valorem taxes on commercial and industrial machinery and equipment levied by each such ad valorem taxing subdivision for the tax year of the apportionment, subject to the percentage reduction set forth in subsection (b) for the tax year of the apportionment of such moneys to that county. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(f) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, the amount of ad valorem taxes on commercial and industrial machinery and equipment not included in the total ad valorem taxes for each tax year due to the fact that the tax liability of such machinery and equipment was abated or exempted prior to July 1, 2006, and such abatement or exemption expired after July 1, 2006, for each individual county and in aggregate for all counties and all other relevant information related to the provisions of this section, and shall present such report before such date to the house committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

(g) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2009, from the state general fund to the business machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to (A) the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) plus the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) of K.S.A. 2009 Supp. 79-2979, and amendments thereto, multiplied by (B) the result obtained by dividing the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) by the aggregate of the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) plus the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) of K.S.A. 2009 Supp. 79-2979, and amendments thereto.

(2) If a maximum amount is imposed under this subsection and the aggregate amount transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during state fiscal year 2009 pursuant to this section is reduced, then the amount allocated to each county by the state treasurer under subsection (b)(2) shall be reduced proportionately with respect to aggregate reduction in the amount of such transfer from the state general fund to the business machinery and equipment tax reduction assistance fund during state fiscal year 2009.

Sec. 153. On July 1, 2010, K.S.A. 2009 Supp. 79-2979 is hereby amended to read as follows: 79-2979. (a) There is hereby established in the state treasury the telecommunications and railroad machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the telecommunications and

railroad machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2008, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 90% of such difference for distribution as provided in subsection (d).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On March 2, 2009, subject to the provisions of subsection (c) and subsection (f), the state treasurer shall pay to the county treasurer of each county an amount equal to 70% of such difference for distribution as provided in subsection (d).

(3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2010, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 50% of such difference for distribution as provided in subsection (d).

(4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2011, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 30% of such difference for distribution as provided in subsection (d).

(5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were

abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2012, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 10% of such difference for distribution as provided in subsection (d).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(d) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund, except that (A) the aggregate amount of moneys transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2009, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (f), (B) an amount equal to 50% of the maximum amount determined pursuant to subsection (f) shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund on March 2, 2009, ~~and~~ (C) no moneys shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2010, pursuant to this section, (D) *no moneys shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2011, pursuant to this section, and (E) no moneys shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2012, pursuant to this section.*

(2) The state treasurer shall apportion and distribute the moneys credited to the telecommunications and railroad machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment in an amount equal to the difference between the total ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment levied by each such ad valorem taxing subdivision for the tax year 2005 and the total ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment levied by each such ad valorem taxing subdivision for the tax year of the apportionment, subject to the percentage reduction set forth in subsection (b) for the tax year of the apportionment of such moneys to that county. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(e) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, the amount of ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment not included in the total of ad valorem taxes for each tax year due to the fact that the tax liability of such machinery and equipment was abated or exempted prior to July 1, 2006, and the abatement or exemption expired after July 1, 2006, for each individual county and in aggregate for all counties and all other relevant information related to the provisions of this section, and shall present such report before such date to the house

committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

(f) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2009, from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to (A) the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) plus the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) of K.S.A. 2009 Supp. 79-2978, and amendments thereto, multiplied by (B) the result obtained by dividing the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) by the aggregate of the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) plus the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) of K.S.A. 2009 Supp. 79-2978, and amendments thereto.

(2) If a maximum amount is imposed under this subsection and the aggregate amount transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during state fiscal year 2009 pursuant to this section is reduced, then the amount allocated to each county by the state treasurer under subsection (b)(2) shall be reduced proportionately with respect to aggregate reduction in the amount of such transfer from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during state fiscal year 2009.

Sec. 155. On July 1, 2010, K.S.A. 2009 Supp. 79-34,156 is hereby amended to read as follows: 79-34,156. On April 1, 2007, the director of accounts and reports shall transfer \$437,500 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on April 1, 2007, then the director of accounts and reports shall transfer on such date the amount available in the state economic development 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. On July 1, 2007, and quarterly thereafter, the director of accounts and reports shall transfer \$875,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, except: (a) That, *during the fiscal year ending June 30, 2011*, on July 1, ~~2008~~ 2010, October 1, ~~2008~~ 2010, and January 1, ~~2009~~ 2011, and April 1, 2011, the director of accounts and reports shall transfer ~~\$100,000~~ \$50,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, and (b) that ~~on April 1, 2009, if sufficient moneys are not available in the state economic development initiatives fund for any such transfer during the fiscal year ending June 30, 2011, then the director of accounts and reports shall transfer \$74,000 from the amount available in the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund on the date specified in the fiscal year ending June 30, 2011.~~ If sufficient moneys are not available in the state economic development initiatives fund for such transfer on July 1, ~~2007~~ 2011, and on the first day of any calendar quarter thereafter, in any such fiscal year, then the director of accounts and reports shall transfer on such date the amount available in the state economic development 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; *except that no moneys shall be transferred from the state general fund to the Kansas biodiesel fuel producer fund during the fiscal year ending June 30, 2011.*

Sec. 156. On the effective date of this act, K.S.A. 2009 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, *except that (1) no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending June 30, 2010, or June 30, 2011, or June 30, 2012, and (2) any transfers of moneys from the state general fund to the Kansas retail dealer incentive fund during the*

*state fiscal year ending June 30, 2010, under this 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.* On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 2009 Supp. 79-34,170 through 79-34,175 and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 2009 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 157. On the effective date of this act, K.S.A. 2009 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, except that the total of the amounts credited to such funds for fiscal years 2009 and 2010, pursuant to this act shall not exceed \$48,059,846. 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 2009 which are in excess of \$48,059,846 shall be transferred and credited to the state general fund on July 15, 2009, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2009; (b) all amounts credited to the state gaming revenues fund in fiscal year 2010 which are in excess of \$48,059,846 shall be transferred and credited to the state general fund on ~~July 15~~ June 15, 2010, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2010; and (c) all amounts credited to the state gaming revenues fund in fiscal year 2011 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on ~~July 15~~ June 15, 2011, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2011.

Sec. 158. On July 1, 2010, K.S.A. 2009 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that (1) such transfers during each fiscal year commencing after June 30, 2008, are subject to reduction under K.S.A. 75-6704, and amendments thereto, (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, ~~and~~ (3) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2010, shall not exceed \$3,295,432, ~~and~~ (4) *the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2011, shall not exceed \$1,348,245.* 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 the 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. 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~~ 2010, and June 30, ~~2009~~ 2011, shall be considered revenue transfers from the state general fund.

Sec. 159. On the effective date of this act, section 52 of chapter 124 of the 2009 Session Laws of Kansas is hereby amended to read as follows:

Sec. 52.

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, 2010, 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, 2009, and on or before the 15th of each month thereafter through ~~July~~ June 15, 2010: *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, 2010: *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 2010 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, 2010, 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 2010 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 2010 is equal to or more than ~~\$73,540,000~~ \$67,650,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2010 pursuant to this subsection shall be equal to or more than ~~\$73,540,000~~ \$67,650,000: *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 2010.

(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, 2010, 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. 2008 Supp. 74-8724, and amendments thereto, during fiscal year 2010: *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, 2010, 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. 2008 Supp. 74-8724, and amendments thereto, during fiscal year 2010: *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. 2008 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.

(e) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys, other than moneys received for privilege fees, that are credited to the expanded lottery act revenues fund from the expanded lottery act revenues fund to the state general fund within 10 days after such moneys are credited to the expanded lottery act revenues fund: *Provided*, That no moneys received for privilege fees that are credited to the expanded lottery act revenues fund shall be transferred to the state general fund pursuant to this subsection: *Provided further*, That the transfer of such amounts shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law: *Provided further*, That the moneys transferred from the expanded lottery act revenues 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 department of revenue, and other state agencies, by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 160. On the effective date of this act, section 14 of 2010 Senate Substitute for House Bill No. 2222, is hereby amended to read as follows: Sec. 14. (a) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2010, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2010, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 5% of the amount so determined is hereby lapsed: *Provided, however, That the lapse provided for in this subsection shall not apply to the appropriations or reappropriations for fiscal year 2010 in each account of the state general fund for the state board of regents, or any state educational institution under the control and supervision of the state board of regents.*

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301 and 75-7001 and K.S.A. 2009 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer is hereby reduced by 5% for the period commencing on the first day of the first payroll period commencing after the effective date of this act and for each payroll period thereafter chargeable to fiscal year 2010: *Provided*, That such reduction shall not apply to payroll periods commencing on or after June 13, 2010.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2010 by the amount equal to 5% of the amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state officers, as defined by this section, for the first payroll period commencing on or after the

effective date of this act and each payroll period thereafter chargeable to fiscal year 2010 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports: *Provided, however, That the reduction in the expenditure limitations provided for in this subsection shall not apply to the special revenue funds in the state treasury for fiscal year 2010 of the state board of regents, or any state educational institution under the control and supervision of the state board of regents.*

(d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;

(2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, each member of the staff of each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas, and in any case "state officer" includes all salaried officers of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas; and

(3) "compensation" means any salary or per diem compensation provided by law for a state officer.

Sec. 161. On the effective date of this act, K.S.A. 2009 Supp. 2-223, 79-34,171 and 79-4801, section 14 of 2010 Senate Substitute for House Bill No. 2222, and section 52 of chapter 124 of the 2009 Session Laws of Kansas are hereby repealed.

Sec. 162. On July 1, 2010, K.S.A. 2009 Supp. 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, as amended by section 33 of 2010 House Bill No. 2557, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156 and 82a-953a are hereby repealed.

Sec. 163. (a) On July 1, 2010, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state employees, as defined by this section, for each payroll period chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 5% of the amount so determined is hereby lapsed: *Provided, however, That the lapse provided for in this subsection shall not apply to the appropriations or reappropriations for fiscal year 2011 in each account of the state general fund for the state board of regents, or any state educational institution under the control and supervision of the state board of regents.*

(b) On July 1, 2010, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-

5903, 75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2009 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state employee is hereby reduced by 5% for the period commencing on the first day of the first payroll period chargeable to fiscal year 2011 and for each payroll period thereafter chargeable to fiscal year 2011 and shall not be increased for any payroll period chargeable to fiscal year 2011: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state employees subject to the provisions of this section for the fiscal year 2011 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.

(c) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to 5% of the amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state employees, as defined by this section, for each payroll period chargeable to fiscal year 2011 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports: *Provided, however*, That the reduction in the expenditure limitations provided for in this subsection shall not apply to the special revenue funds in the state treasury for fiscal year 2011 of the state board of regents or any state educational institution under the control and supervision of the state board of regents.

(d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;

(2) "state officer" means (A) the governor, each member of the governor's staff, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, each member of the staff of each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas, and in any case "state officer" includes all salaried officers of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas; and

(3) "compensation" means any salary or per diem compensation provided by law for a state officer.

(4) "state employee" means each employee of a state agency who is in the classified or unclassified service under the Kansas civil service act, who is not a state officer, and who is not (A) an employee of the state board of regents or of any state educational institution under the control and supervision of the state board of regents, or (B) any employee that provides essential services, such as highway patrol troopers, agents and forensic scientists and other laboratory employees of the Kansas bureau of investigation, adult and juvenile correctional officers, state hospital direct care workers, long-term care direct care workers,

and power plant operators, as determined by the director of the budget, after consultation with the director of legislative research and upon certification by the director of the budget to the director of accounts and reports.

Sec. 164. In addition to the other purposes for which expenditures may be made by the department of revenue from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011, as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the department of revenue from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 for operating expenditures relating to amnesty from assessment or payment of penalties and interest with respect to certain taxes in accordance with the following:

(a) (1) Notwithstanding the provisions of any other law to the contrary, with respect to the following taxes administered by the department of revenue, an amnesty from the assessment or payment of all penalties and interest with respect to unpaid taxes or taxes due and owing shall apply upon compliance with the provisions of this section and if such tax liability is paid in full within the amnesty period, from September 1, 2010, to October 15, 2010: (A) Privilege tax under K.S.A. 79-1106 et seq., and amendments thereto; (B) taxes under the Kansas estate tax act, K.S.A. 2009 Supp. 79-15,100 et seq., and amendments thereto; (C) taxes under the Kansas income tax act, K.S.A. 79-3201 et seq., and amendments thereto; (D) taxes under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto; (E) taxes under the Kansas cigarette and tobacco products act, K.S.A. 79-3301 et seq., and amendments thereto; (F) taxes under the Kansas retailers' sales tax act, K.S.A. 79-3601 et seq., and amendments thereto and the Kansas compensating tax act, K.S.A. 79-3701 et seq., and amendments thereto; (G) local sales and use taxes under K.S.A. 12-187 et seq., and amendments thereto; (H) liquor enforcement tax under K.S.A. 79-4101 et seq., and amendments thereto; (I) liquor drink tax under K.S.A. 79-41a01 et seq., and amendments thereto; and (J) mineral severance tax under K.S.A. 79-4216 et seq., and amendments thereto.

(2) Amnesty under this section shall apply only to tax liabilities due and unpaid for tax periods ending on or before December 31, 2008. For the eligible taxes and tax periods, amnesty shall apply to the under-reporting of such tax liabilities, the nonpayment of such taxes and the nonreporting of such tax liabilities.

(3) Amnesty shall not apply to any matter or matters for which, on or after September 1, 2010, any one of the following circumstances exist: (A) The taxpayer has received notice of the commencement of an audit; (B) an audit is in progress; (C) the taxpayer has received notice of an assessment pursuant to K.S.A. 79-2971 or 79-3643, and amendments thereto; (D) as a result of an audit, the taxpayer has received notice of a proposed or estimated assessment or notice of an assessment; (E) the time to administratively appeal an issued assessment has not yet expired; or (F) an assessment resulting from an audit, or any portion of such assessment, is pending in the administrative appeals process before the secretary or secretary's designee pursuant to K.S.A. 79-3226 or 79-3610, and amendments thereto, or the state court of tax appeals, or is pending in the judicial review process before any state or federal district or appellate court. Amnesty shall not apply to any matter that is the subject of an assessment, or any portion of an assessment, which has been affirmed by a reviewing state or federal district or appellate court. Amnesty shall not apply to any party to any criminal investigation or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency or fraud in relation to any tax imposed by the state of Kansas.

(b) Upon written application by the taxpayer, on forms prescribed by the secretary of revenue, and upon compliance with the provisions of this section, the department of revenue may waive the imposition and collection of any penalty or interest which may be applicable with respect to taxes eligible for amnesty. The department of revenue may require all applications for amnesty pursuant to this section be submitted electronically.

(c) Amnesty for penalties and interest shall be granted only to those eligible taxpayers who, within the amnesty period of September 1, 2010, to October 15, 2010, and in accordance with rules and regulations established by the secretary of revenue, have properly filed

a tax return for each taxable period for which amnesty is requested, paid the entire balance of tax due and obtained approval of such amnesty by the department of revenue.

(d) If a taxpayer elects to participate in the amnesty program established pursuant to this section as evidenced by full payment of the tax due as established by the secretary of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal with respect to such tax liability. No tax payment received pursuant to this section shall be eligible for refund or credit. No payment of penalties or interest made prior to September 1, 2010, shall be eligible for amnesty.

(e) For tax returns for which amnesty has been requested, nothing in this section shall be interpreted to prohibit the department from adjusting such tax return as a result of a federal, department or other state agency audit.

(f) Fraud or intentional misrepresentation of a material fact in connection with an application for amnesty shall void such application and any waiver of penalties and interest from amnesty.

(g) The department may issue administrative guidelines as are necessary to administer the provisions of this section.

Sec. 165. (a) No expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund or any special revenue fund by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, by any state agency for any out-of-state travel for any state employee for the fiscal year ending June 30, 2011, unless specifically authorized by the governor or the secretary of administration for any state agency within the executive branch, by the chief justice for any agency within the judicial branch, or by the president of the senate or the speaker of the house of representatives for any agency within the legislative branch: *Provided*, That the amount equal to the aggregate of any savings from this section from each account of the state general fund of each state agency for the year ending June 30, 2011, as determined and certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided further*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2011 by this subsection shall not exceed \$500,000: *And provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

And by renumbering sections accordingly;

On page 1, in the title, in line 14, by striking "and June 30, 2015" and inserting ", June 30, 2015, and June 30, 2016";

Also, rose and reported progress.

On motion of Rep. Merrick, the House recessed until 2:30 p.m.

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## AFTERNOON SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

### MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits certificate of action by the Senate on **S. Sub. for HB 2115**, An act concerning abortion; amending K.S.A. 65-445, 65-6701, 65-6703 and K.S.A. 2009 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713.

The veto message from the Governor having been received, a motion was made that notwithstanding the Governor's objections to **S. Sub. for HB 2115**, the bill be passed. By a vote of 26 Yeas and 14 Nays, the motion not having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the bill did not pass and the veto was sustained.

**CERTIFICATE**

In accordance with K.S.A. 45-304, it is certified that, **S. Sub. for HB 2115**, An act concerning abortion; amending K.S.A. 65-445, 65-6701, 65-6703 and K.S.A. 2009 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713, was not approved by the Governor on April 15, 2010; was returned by him with his objections and approved on May 3, 2010 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the governor; was reconsidered by the Senate but failed to be approved on May 5, 2010, by two-thirds of the members elected to the Senate as required by the Constitution and laws of the State of Kansas.

This certificate is made this 5th day of May 2010 by the Secretary of the Senate and the President of the Senate.

PAT SAVILLE  
*Secretary of the Senate of the State of Kansas*  
 STEPHEN MORRIS  
*President of the Senate of the State of Kansas*

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2482**, 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 42, by striking all following "notice"; by striking all in lines 43;

On page 5, by striking all in lines 1 and 2; in line 3, by striking "thereto" and inserting "a written explanation of substantial changes to traffic regulations enacted by the legislature"; in line 35, by striking "and a written exami-"; by striking all in lines 36 and 37; in line 38, by striking "this state"; in line 41, by striking "examinations" and inserting "examination"; in line 42, by striking "examinations" and inserting "examination";

On page 6, by striking all in lines 1 and 2; in line 3, by striking all preceding the period; by striking all in lines 16 through 19; in line 20, by striking "(4)"; in line 22, by striking all preceding "suffi-" and inserting "eyesight examination or report is"; in line 24, by striking "either or both"; in line 25, by striking all preceding "insufficient" and inserting "the eyesight examination or report is"; in line 30, by striking "(5)" and inserting "(4)"; by striking all in lines 37 through 41; in line 42, by striking "(6)" and inserting "(5)";

On page 7, in line 5, by striking "(7)" and inserting "(6)"; in line 13, by striking "(7)" and inserting "(6)";

On page 9, following line 3, by inserting the following:

"(i) The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver's license, including any cost savings to the division.";

Also on page 9, in line 31, by striking all following "religious" and inserting "worship service";

On page 13, in line 33, by striking all following "religious" and inserting "worship service";

On page 14, in line 24, by striking all following "religious" and inserting "worship service";

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

DWAYNE UMBARGER  
 BOB MARSHALL  
 KELLY KULTALA  
*Conferees on part of Senate*

GARY K. HAYZLETT  
 JENE VICKREY  
 MARGARET LONG  
*Conferees on part of House*

On motion of Rep. Hayzlett, the conference committee report on **HB 2482** was adopted.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Stegfreid, Whitham.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Grange, Hawk, Huebert, Rhoades.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2486**, 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 14 through 43 and inserting the following:

"Section 1. K.S.A. 2009 Supp. 65-3225 is hereby amended to read as follows: 65-3225.

(a) Subject to K.S.A. 2009 Supp. 65-3227, and amendments thereto, a donor or other person authorized to make an anatomical gift under K.S.A. 2009 Supp. 65-3223, and amendments thereto, may amend or revoke an anatomical gift by:

(1) A record signed by:

(A) The donor;

(B) the other person; or

(C) subject to subsection (b), another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(2) a later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

(b) A record signed pursuant to subsection (a)(1)(C) must:

(1) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) state that it has been signed and witnessed as provided in paragraph (1).

(c) Subject to K.S.A. 2009 Supp. 65-3227, and amendments thereto, a donor or other person authorized to make an anatomical gift under K.S.A. 2009 Supp. 65-3223, and amendments thereto, may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

(d) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

(e) A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection (a).

(f) *A donor may revoke or amend an anatomical gift made by placing such individual's name on the first person consent organ and tissue donor registry by directly accessing the registry website or notifying the Kansas federally designated organ procurement organization to request the amendment or revocation. Withdrawal of such individual's consent to be listed in the registry does not constitute a refusal to make an anatomical gift of the individual's body or part.*

Sec. 2. K.S.A. 2009 Supp. 65-3239 is hereby amended to read as follows: 65-3239. (a) Information obtained under K.S.A. 8-247 and 8-1325, and amendments thereto, from the division of vehicles by the Kansas federally designated organ procurement organization shall be used for the purpose of establishing a statewide organ and tissue donor registry accessible to in-state recognized cadaveric organ and cadaveric tissue agencies for the recovery or placement of organs and tissue and to procurement agencies in another state when a Kansas resident is a donor of an anatomical gift and is not located in Kansas at the time of death or immediately before the death of the donor. No organ or tissue donation organization may obtain information from the organ and tissue donor registry for the purposes of fund-raising. Organ and tissue donor registry information shall not be further disseminated unless authorized in this section or by federal law. Dissemination of organ and tissue donor registry information may be made by the Kansas federally designated organ procurement organization to a recognized in-state procurement agency for other tissue recovery, or an out-of-state federally designated organ procurement agency. *An individual who agrees to have such individual's name in the first person consent organ and tissue donor registry has given full legal consent to the donation of any of such individual's organs or tissues upon such individual's death as recorded in the registry.*

(b) The Kansas federally designated organ procurement organization may acquire donor information from sources other than the division of vehicles.

(c) All costs associated with the creation and maintenance of the organ and tissue donor registry shall be paid by the Kansas federally designated organ procurement organization. Such organization shall also pay the costs of providing and maintaining the written information and educational materials required to be distributed under subsection (g) of K.S.A. 8-247, and amendments thereto, and under subsection (b) of K.S.A. 8-1325, and amendments thereto.

(d) An individual does not need to participate in the organ and tissue donor registry to be a donor of organs or tissue. The registry is to facilitate organ and tissue donations and not inhibit Kansans from being donors upon death.

(e) This section shall be a part of and supplemental to the revised uniform anatomical gift act.

Sec. 3. K.S.A. 2009 Supp. 65-3225 and 65-3239 are hereby repealed.

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

On page 1, in the title, by striking all in lines 10 and 11 and inserting the following: “AN ACT concerning anatomical gifts; relating to first person donor registry; amending K.S.A. 2009 Supp. 65-3225 and 65-3239 and repealing the existing sections.”;

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

DWAYNE UMBARGER  
BOB MARSHALL  
KELLY KULTALA  
*Conferees on part of Senate*

GARY K. HAYZLETT  
JENE VICKREY  
MARGARET LONG  
*Conferees on part of House*

On motion of Rep. Hayzlett, the conference committee report on **HB 2486** was adopted.

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

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Mengh-



ini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Grange, Hawk, Rhoades.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2751**, An act concerning retirement and pensions; enacting the Kansas public employees retirement system defined contribution act; providing terms, conditions and requirements related thereto; relating to plan document, membership, benefits and contributions; death and disability benefits, by Committee on Appropriations.

#### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 452**.

The Senate adopts conference committee report on **S. Sub. for HB 2506**.

The Senate adopts conference committee report on **HB 2660**.

#### INTRODUCTION OF ORIGINAL MOTIONS

Roll call was demanded on motion of Rep. Kinzer to remove **S. Sub. for HB 2360** from the table.

On roll call, the vote was: Yeas 43; Nays 77; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bowers, A. Brown, Brunk, Crum, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, Kleeb, Knox, Landwehr, Mast, McLeland, Morrison, Myers, Neufeld, O'Brien, O'Neal, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaherty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Henderson, Henry, Hill, Hineman, Horst, King, Kinzer, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Merrick, Moxley, Neighbor, Olson, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Grange, Hawk, Rhoades.

The motion of Rep. Kinzer did not prevail.

Having voted on the prevailing side, Rep. Kinzer moved to reconsider the action of the House in not removing **S. Sub. for HB 2360** from the table. The motion was subsequently withdrawn.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **H. Sub. for SB 572** (see previous action, Morning Session).

Also, on motion of Rep. Burroughs, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 52 of the amendment adopted on motion of Representative Feuerborn, in line 18, by adding \$440,000 to the dollar amount and adjusting the dollar amount in line 18 accordingly;

On page 302 of the amendment adopted on motion of Representative Feuerborn, in line 1, by striking "2010" and inserting "2011"; in line 2, after the comma, by inserting "excluding all longevity bonuses charged to the judicial branch for the fiscal year 2011,";

Also, roll call was demanded on motion of Rep. Hill to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 226 of the amendment adopted on motion of Representative Feuerborn, in line 7, by adding \$3,600,000 to the dollar amount and by adjusting the dollar amount in line 7 accordingly;

On roll call, the vote was: Yeas 98; Nays 21; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Brunk, Donohoe, Faber, Hayzlett, Kelley, Kinzer, Knox, Landwehr, Merrick, Morrison, Neufeld, Patton, Peck, Powell, Schwartz, Siegfried, Vickrey, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Grange, Hawk, Mast, Rhoades.

The motion of Rep. Hill prevailed.

Also, on motion of Rep. Hineman, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 150 of the amendment adopted on motion of Representative Feuerborn, in line 5, by striking "one-year" and inserting "three-year";

On page 151, in line 6, after "into" by inserting "on or before October 1, 2010,";

Also, on motion of Rep. Kiegerl to amend **H. Sub. for SB 572**, the motion was withdrawn.

Also, roll call was demanded on further motion of Rep. Kiegerl to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 154 of the amendment adopted on motion of Representative Feuerborn, line 2, by adding \$4,000,000 to the dollar amount and by adjusting the dollar amount in line 2 accordingly;

On page 156, in line 14, by adding \$4,000,000 to the dollar amount and by adjusting the dollar amount in line 14 accordingly;

On roll call, the vote was: Yeas 50; Nays 70; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bowers, A. Brown, Brunk, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Peterson, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Palmer, Pauls, Phelps, Pot-

torff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hawk, Rhoades.

The motion of Rep. Kiegerl did not prevail.

Also, roll call was demanded on motion of Rep. Horst to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 66, of the amendment adopted on motion of Representative Feuerborn, in line 17, by subtracting \$150,000 from the dollar amount and by adjusting the dollar amount in line 17 accordingly;

On page 177, in line 9, by adding \$150,000 to the dollar amount and by adjusting the dollar amount in line 9 accordingly;

On roll call, the vote was: Yeas 46; Nays 69; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, Brookens, Carlson, Crum, DeGraaf, Faber, Goico, Gordon, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Merrick, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Johnson, King, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Dillmore, Fund, George, Grange, Hawk, Hayzlett, Long, Peterson, Rhoades, Vickrey.

The motion of Rep. Horst did not prevail.

Also, on motion of Rep. Otto to amend **H. Sub. for SB 572**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Jack to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 149 of the amendment adopted on motion of Representative Feuerborn, by striking lines 17 through 19;

And by redesignating the remaining subsections accordingly;

On roll call, the vote was: Yeas 48; Nays 70; Present but not voting: 0; Absent or not voting: 7.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Crum, Fund, George, Grange, Hawk, Rhoades, Schwab.

The motion of Rep. Jack did not prevail.

Also, roll call was demanded on further motion of Rep. Jack to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 417 of the amendment adopted on motion of Representative Feuerborn, following line 4, by inserting the following:

“Sec. 167. (a) Except as provided by this section, for any fiscal year that commences on or after July 1, 2011, fiscal year spending by the state shall not increase above the fiscal year spending for the preceding fiscal year by more than the maximum percentage increase determined pursuant to this section. The maximum percentage increase in fiscal year spending for a fiscal year shall be equal to the result obtained by adding the rate of inflation for the calendar year ending during the preceding fiscal year, plus the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number.

(b) The legislature shall provide a mechanism to adjust the amount of a limitation under this section to reflect any subsequent transfer of all or any part of the cost of providing a governmental function. The mechanism shall adjust the amount of a limitation so that total costs are not increased as a result of the transfer. The adjustment mechanism provided for in this subsection shall be used in determining a limitation under this section beginning with the fiscal year immediately following the transfer.

(c) As used within this section:

(1) “State” means the state government including all branches, state offices, authorities, agencies, boards, commissions, institutions, instrumentalities and any division or unit of state government which are directly supported with tax funds, except that “state” does not include any enterprise;

(2) “fiscal year” means the twelve-month fiscal period prescribed by law for the state;

(3) “fiscal year spending” means all expenditures and reserve increases except, as to both, (A) expenditures for refunds of any kind, (B) expenditures of moneys received from the federal government, moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor, moneys that are collections for another government, moneys received for pension contributions by employees and pension fund earnings, or (C) budget stabilization reserve fund transfers, emergency reserve fund transfers, or expenditures in accordance with this section;

(4) “inflation” means the change expressed as a percentage in the consumer price index for the Kansas City metropolitan area, all goods, all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or the successor index to such consumer price index; and

(5) “population” means the more recent of either the periodic census conducted by the United States department of commerce or its successor agency or the annual update of such census as prescribed by the legislature by law, which shall be adjusted every decade to match the federal decennial census.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 51; Nays 69; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hawk, Rhoades.

The motion of Rep. Jack did not prevail.

Also, roll call was demanded on further motion of Rep. Jack to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS 572t30, on motion of Representative Feuerborn, on page 32, of the amendment adopted on motion

of Representative Feuerborn, in line 18, by adding \$63,261 to the dollar amount and by adjusting the dollar amount in line 18 accordingly; in line 20, before the period by inserting “: *Provided further*, That expenditures from this account may be made to pay for expenses incurred in bringing or joining in a lawsuit challenging the federal health care package in the United States district court pursuant to the 2010 House Resolution No. 6036: *And provided further*, That expenditures from this account for the purposes of such litigation shall not exceed \$63,261”

On roll call, the vote was: Yeas 57; Nays 62; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Spalding, Suellentrop, Tafanelli, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Johnson, Knuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hawk, Rhoades, Worley.

The motion of Rep. Jack did not prevail.

Also, roll call was demanded on motion of Rep. Brunk to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 417 of the amendment adopted on motion of Representative Feuerborn, following line 4 by inserting the following:

“Section 167. This act shall be known as the Revenue, Assessment and Expenditure Limitations act.

Sec. 168. As used within this act:

(a) “State” means the state government including all branches, state offices, authorities, agencies, boards, commissions, institutions, instrumentalities and any division or unit of state government which are directly supported with tax funds, except that “state” does not include any enterprise;

(b) “local government” means any county, township, city, education district, other special district and any other taxing district or political subdivision of Kansas which is directly supported by tax funds, except that “local government” does not include any enterprise;

(c) “enterprise” means a state-owned or local government-owned business authorized to issue its own revenue bonds and receiving less than 10% of annual revenue in grants or other direct cash benefit from the state and local governments combined;

(d) “bond” means any bond, note, debenture, interim certificate, grant and revenue anticipation note, lease-purchase agreement, lease certificate of participation or other evidence of indebtedness which, in any such case, is entered into or establishes a debt obligation for longer than one fiscal year, whether or not the interest on which is subject to federal income taxation;

(e) “fiscal year” means the twelve-month fiscal period prescribed by law for the state;

(f) “fiscal year spending” means all expenditures and reserve increases except, as to both, (1) expenditures for refunds of any kind, (2) expenditures of moneys received from the federal government, moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor, moneys that are collections for another government, moneys received for pension contributions by employees and pension fund earnings, or (3) budget stabilization reserve fund transfers, emergency reserve fund transfers, or expenditures in accordance with this article;

(g) “base revenue year” means the fiscal year ending June 30, 2010, or the succeeding fiscal year having the greatest total state revenue of any succeeding fiscal year that exceeds the total state revenue for the fiscal year ending June 30, 2010, if any;

(h) “inflation” means the change expressed as a percentage in the consumer price index for the Kansas City metropolitan area, all goods, all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or the successor index to such consumer price index;

(i) “population” means the more recent of either the periodic census conducted by the United States department of commerce or its successor agency or the annual update of such census as prescribed by the legislature by law, which shall be adjusted every decade to match the federal decennial census;

(j) “education district” means each school district, vocational or technical school, community college, technical college, municipal university, and any other public educational entity established as provided by law, except that “education district” does not include any state educational institution under the control and supervision of the state board of regents; and

(k) “total state revenue” means all moneys received by the state from any source except any of the following:

(1) Moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor;

(2) moneys received from the federal government; and

(3) moneys which are income earned on moneys in permanent endowment funds, trust funds, deferred compensation funds or pension funds and which are credited to such funds.

Sec. 169. On and after July 1, 2011, a supermajority of two-thirds ( $\frac{2}{3}$ ) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill enacting or amending any law creating any new state tax or increasing the rate of any existing state income tax, sales tax, compensating use tax or other excise tax or a tax in the nature of an excise tax, property tax, or tax in the nature of a property tax, or estate or inheritance tax, or a tax in the nature of an estate or inheritance tax, or any combination thereof.

Sec. 170. (a) Except as provided by this section, for any fiscal year that commences on or after July 1, 2011, fiscal year spending by the state shall not increase above the fiscal year spending for the preceding fiscal year by more than the maximum percentage increase determined pursuant to this section. The maximum percentage increase in fiscal year spending for a fiscal year shall be equal to the result obtained by adding the rate of inflation for the calendar year ending during the preceding fiscal year, plus the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number, adjusted for revenue changes resulting from acts enacted in accordance with section 3 of this act. The limitation imposed on fiscal year spending shall not apply to expenditures of moneys transferred to the state general fund from the state budget stabilization reserve fund pursuant to section 7 of this act. The limitation imposed on fiscal year spending for a fiscal year may be authorized to be exceeded by act of the legislature that is passed by a supermajority of two-thirds ( $\frac{2}{3}$ ) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, and that authorizes fiscal year spending for such fiscal year in excess of such limitation.

(b) For any fiscal year commencing on or after July 1, 2011, the total state revenue limitation shall be determined in accordance with this section. If the amount of the total state revenue for the preceding fiscal year exceeds the amount of total state revenue for the second preceding fiscal year, the total state revenue limitation for a fiscal year shall be the result obtained by adding (1) the lesser of (A) the amount of total state revenue for the preceding fiscal year or (B) the amount of the total state revenue limitation for the preceding fiscal year, and (2) the product of (A) the amount determined under clause (1) of this subsection, and (B) the sum of (i) the rate of inflation for the calendar year ending during the preceding fiscal year, plus (ii) the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number.

(c) If the amount of the total state revenue for the preceding fiscal year is less than the amount of total state revenue for the second preceding fiscal year, the amount of the total

state revenue limitation for a fiscal year shall be the lesser of (1) the amount of total state revenue for the second preceding fiscal year, or (2) the amount of the total state revenue limitation for the base revenue year.

(d) The legislature shall provide a mechanism to adjust the amount of a limitation under this section to reflect any subsequent transfer of all or any part of the cost of providing a governmental function. The mechanism shall adjust the amount of a limitation so that total costs are not increased as a result of the transfer. The adjustment mechanism provided for in this subsection shall be used in determining a limitation under this section beginning with the fiscal year immediately following the transfer.

(e) For the purposes of determining total revenue limitations under this section for the state, the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2010, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year and the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2011, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year.

Sec. 171. (a) For any fiscal year that commences on or after July 1, 2011, if total state revenue exceeds the total state revenue limitation for that fiscal year, as determined in accordance with section 4 of this act, then a portion of the excess amount of state revenue shall be reserved as prescribed by this section or refunded as prescribed by section 6 of this article. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the budget stabilization reserve fund by this section.

(b) An amount of any excess amount of total state revenue shall be transferred in the amount and in the manner prescribed by the legislature by law to the budget stabilization reserve fund, which fund is hereby created in the state treasury. The amount transferred to the budget stabilization reserve fund in accordance with this subsection shall be equal to the lesser of (1) the amount necessary to ensure that the balance in the budget stabilization reserve fund at the end of the fiscal year is an amount equal to 7% of the total state revenue limitation for the ensuing fiscal year. Income earned on the moneys credited to the budget stabilization reserve fund shall accrue to the budget stabilization reserve fund. In no case shall additional moneys be transferred into the budget stabilization reserve fund if the balance in the fund is equal to or more than 7% of the total state revenue limitation for the ensuing fiscal year. Each transfer to the budget stabilization reserve fund prescribed by this section shall be made before any transfer to the emergency reserve fund as provided in section 5 of this article or any refunds as required by section 6 of this article.

(c) For any fiscal year that commences on or after July 1, 2011, if the amount of the total state revenue is less than the amount of total state revenue for the prior fiscal year, the legislature may provide by law for the transfer of moneys from the budget stabilization reserve fund to the state general fund in an amount equal to not more than the difference between the amount of total state revenue for the prior fiscal year and the amount of total state revenue for the current fiscal year. Under no other circumstances shall moneys be transferred or expended from the budget stabilization reserve fund of the state.

Sec. 172. (a) For any fiscal year that commences on or after July 1, 2011, if total state revenue exceeds the total state revenue limitation for that fiscal year, as determined in accordance with section 4 of this act, then, after making any transfer to the budget stabilization reserve fund as required by section 5 of this act, a portion of any remaining total state revenue in excess of the total state revenue limitation shall be transferred in the amount and in the manner prescribed by the legislature by law to the emergency reserve fund, which fund is hereby created in the state treasury, to the extent necessary to ensure that a balance of the emergency reserve fund at the end of the fiscal year is an amount equal to not more than 3% of the total state revenue limitation for the ensuing fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the emergency reserve fund by this section. Each transfer to the emergency reserve fund prescribed by this section shall be made after making any transfer to the budget stabilization reserve fund as provided in section 5 of this act. The state shall not be required to transfer any moneys other than any amount of total state revenue in excess of the total state revenue limitation to the emergency reserve

fund. The moneys in the emergency reserve fund shall be in addition to, and shall not be used to meet, any other reserve requirement under this constitution or any law. In no case shall additional moneys be transferred to the emergency reserve fund if the balance in the emergency reserve fund is more than 3% of the total state revenue limitation for the ensuing fiscal year.

(b) Moneys in the emergency reserve fund may be expended only for an emergency declared by the governor to exist within the state. Two-thirds (2/3) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill making an appropriation of money or transferring any moneys from the emergency reserve fund. Income earned on moneys credited to the emergency reserve fund shall accrue to the emergency reserve fund.

(c) As used in this section "emergency" means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditures to preserve the health, safety and general welfare of the people within the state and "emergency" does not mean a revenue shortfall or budget shortfall.

Sec. 173. (a) Any excess amount of total state revenues for a fiscal year that remains after the transfers to the budget stabilization reserve fund and emergency reserve fund pursuant to section 5 or section 6 of this act, if any, shall be reserved in the current fiscal year and shall be refunded as provided by law during the next ensuing fiscal year to the taxpayers who paid the state ad valorem property taxes or state income taxes, or both, for the preceding fiscal year, in a manner that is proportional, on a pro rata basis, to the manner in which such taxes were collected from such taxpayers for such fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available to be reserved and refunded by the state as prescribed by this section.

(b) In a case of any amount that is received pursuant to any tax and required to be reserved and refunded to taxpayers by the state pursuant to this section and that is determined by the state in the manner prescribed by law to be insufficient for refunds to be made during the ensuing fiscal year, such amount shall be reserved for refunds to be made thereafter when the amount reserved is sufficient therefor.

Sec. 174. On or after July 1, 2011, during any fiscal year, transfers which are temporary and are to be repaid, or any other temporary borrowing, through certificates of indebtedness or any other device or manner, of any moneys in the state treasury to be credited to the state general fund, are prohibited unless the moneys so transferred or otherwise borrowed are restored or repaid to the original funds or accounts of the state treasury from the state general fund within the same fiscal year. The provisions of this section do not apply to transfers from the budget stabilization reserve fund or the emergency reserve fund to the state general fund in accordance with this article.

Sec. 175. On or after July 1, 2011, any appropriation of moneys in the state treasury that either supplants any appropriation from the state general fund, or that, if not made, would require an appropriation from the state general fund is prohibited. For purposes of this section, any appropriation of moneys in the state treasury that is funded by user charges or fees imposed on goods or services that do not exceed the cost of the goods or services provided shall not be deemed to be an appropriation that supplants any appropriation from the state general fund.

Sec. 176. A local government may not be required to fulfill any mandate imposed by the state unless and until, and may be required to fulfill that mandate only to the extent that, funds are provided to the local government by the state for that purpose. The legislature is not required to appropriate funds for mandates if more than two years have passed since the effective date of the mandate and no claim for funding has been made by the local government during that period.

Sec. 177. (a) The provisions of this act shall be liberally construed for the purpose of effectuating the purposes thereof, except that nothing in this act shall be construed to authorize any new or increased tax of any kind other than as provided or authorized by law enacted by the legislature in accordance with and subject to the other provisions of this constitution.



(b) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. The legislature shall repeal or amend all laws inconsistent with the provisions of this act to conform with the provisions of this act.”

On roll call, the vote was: Yeas 42; Nays 75; Present but not voting: 0; Absent or not voting: 8.

Yeas: Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O’Brien, O’Neal, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hawk, Huebert, Kleeb, Olson, Rhoades.

The motion of Rep. Brunk did not prevail.

Also, roll call was demanded on motion of Rep. Neufeld to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 417, following line 4, after the period by inserting the following section to read as follows:

“Sec. 167. (a) During the fiscal year ending June 30, 2011, no expenditures shall be made from any moneys appropriated or reappropriated for any state agency from the state general fund or any special revenue fund or funds as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or any other appropriation act of the 2010 regular session of the legislature to plan, draft, propose, promulgate, finalize, or implement any rules and regulations pursuant to the clean air act (42 U.S.C. 7401 et seq.) involving the greenhouse gases identified in the final rule entitled “Endangerment and cause or contribute findings for greenhouse gases under section 202(a) of the clean air act.”

(b) As used in this section, “state agency” has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 14, by striking “and June 30, 2015” and inserting “, June 30, 2015 and June 30, 2016”;

On roll call, the vote was: Yeas 85; Nays 32; Present but not voting: 1; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O’Brien, O’Neal, Otto, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Pauls, Peterson, Quigley, Roth, Ruiz, Slattery, Swenson, Tietze, Ward, Winn.

Present but not voting: Crow.

Absent or not voting: Fund, George, Grange, Hawk, Olson, Rhoades, Worley.

The motion of Rep. Neufeld prevailed.

Also, on motion of Rep. Dillmore, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 23 of the amendment adopted on motion of Representative Feuerborn, in line 15, by subtracting \$111,303 from the dollar amount and adjusting the dollar amount in line 15 accordingly;

On page 139, in line 14, by adding \$111,303 to the dollar amount and adjusting the dollar amount in line 14 accordingly;

Also, roll call was demanded on motion of Rep. M. Holmes to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on May 6, 2010, on motion of Representative Feuerborn, in the amendment adopted on motion of Representative Feuerborn, on page 5, by striking all in lines 20 through 22;

On page 6, by striking all in lines 1 through 10;

And by renumbering the remaining sections accordingly;

On page 48, by striking all in lines 6 through 15;

On page 62, by striking all in lines 17 through 22;

By striking all on page 63;

On page 64, by striking all in lines 1 through 3;

On page 88, by striking all in lines 16 through 21;

On page 89, by striking all in lines 1 through 4;

On page 116, by striking all in lines 7 through 16;

On page 173, by striking all in lines 10 through 21;

By striking all on page 174;

On page 175, by striking all in lines 1 through 12;

And by relettering the remaining subsections accordingly;

On page 234, by striking all in lines 2 through 10;

On page 262, by striking all in lines 16 through 20;

On page 263, by striking all in lines 1 through 6;

On roll call, the vote was: Yeas 46; Nays 66; Present but not voting: 0; Absent or not voting: 13.

Yeas: Aurand, Bowers, Brookens, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Shultz, Siegfried, Suellentrop, Vickrey, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: A. Brown, Brunk, Fund, George, Grange, Hawk, Hayzlett, Kiegerl, Landwehr, Rhoades, Schwab, Seiwert, K. Wolf.

The motion of Rep. M. Holmes did not prevail.

Also, on motion of Rep. Sloan, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 202, following line 7, by inserting the following: "Standardized water data repository fund ..... \$300,000  
*Provided*, That expenditures may be made from this account or any special revenue fund of the above named agency for the purposes of bathymetric mapping, sediment surveys and lake assessments and the development of a standardized water quality and quantity data repository relating to public water supply sources.";

On page 205, following line 1, by inserting the following:

"(c) Notwithstanding the provisions of K.S.A. 82a-2101, and amendments thereto, on July 1, 2010, or as soon thereafter as sufficient funds are available, the director of accounts and

reports shall transfer \$300,000 from the clean drinking water fee fund to the standardized water data repository fund.”;

And by relettering the subsections accordingly;

On page 274, in line 12, before the period, by inserting the following:

“: *And provided further*, That expenditures may be made from this account or any special revenue fund of the above named agency to allow 100% grant-funded projects relating to stream bank stabilization, and to allow lakes to be under the multipurpose small lakes program if the lake is used for two of the following purposes: flood control, public water supply storage or recreation, notwithstanding the provisions of any other legislative enactment”

Also, roll call was demanded on motion of Rep. Schwartz to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 238 of the amendment adopted on motion of Representative Feuerborn, in line 16, by adding \$17,200,000 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

On roll call, the vote was: Yeas 58; Nays 60; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Spalding, Suellentrop, Swanson, Tafari, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Landwehr, Peterson, Rhoades, K. Wolf.

The motion of Rep. Schwartz did not prevail.

Also, roll call was demanded on motion of Rep. Mast to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 27, of the amendment adopted on motion of Representative Feuerborn, in line 19, by adding \$411,633 to the dollar amount and by adjusting the dollar amount in line 19 accordingly;

On page 28, in line 8, by striking all after the colon; by striking all in lines 9 through 11; in line 12, by striking “amendments thereto.”;

On roll call, the vote was: Yeas 45; Nays 71; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swanson, Swenson, Tafari, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hayzlett, Landwehr, Morrison, Peterson, Rhoades, Sloan.

The motion of Rep. Mast did not prevail.

Also, roll call was demanded on further motion of Rep. Mast to amend **H. Sub. for SB 572** as amended by the House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 302, following line 6, by inserting the following:

“(d) On July 1, 2010, the \$8,534,972 appropriated for the state finance council for the fiscal year ending June 30, 2011, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.”;

On roll call, the vote was: Yeas 44; Nays 70; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Bollier, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Crum, DeGraaf, Dillmore, Donohoe, Goico, Hayzlett, Hermanson, C. Holmes, Jack, Kelley, Kerschen, King, Kinzer, Kleebe, Knox, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O’Neal, Otto, Peck, Pottorff, Powell, Schwab, Schwartz, Seiwert, Siegfried, Suellentrop, Swanson, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, M. Holmes, Johnson, Kiegerl, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, O’Brien, Olson, Palmer, Patton, Pauls, Peterson, Phelps, Prescott, Quigley, Rardin, Roth, Ruiz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Horst, Huebert, Landwehr, Proehl, Rhoades, Schroeder, Tafanelli, K. Wolf.

The motion of Rep. Mast did not prevail.

Rose and reported progress.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 170**, by Representative Phelps, congratulating Dennis Hodgins on being sworn in as a United States citizen, March 19, 2010;

**Request No. 171**, by Representative Powell, congratulating Douglas R. Huddelston on achieving the rank of Eagle Scout;

**Request No. 172**, by Representative Powell, congratulating Adam P. Smith on achieving the rank of Eagle Scout;

**Request No. 173**, by Representative Peck, on congratulating Eugene and Patricia Miesner on their 60th Wedding Anniversary;

**Request No. 174**, by Representative Bowers, congratulating Larry Starr on his retirement from Kansas Department of Agriculture after forty years of service;

**Request No. 175**, by Representative Grant, congratulating Margaret O’Toole for supporting the Greenbush Days and the St. Aloysius Historical Society;

**Request No. 176**, by Representative Jack, commending Bryan Derreberry for exemplary commitment to the Wichita community;

**Request No. 177**, by Representative Jack, commending Tyson Langhofer for professional achievement and exemplary commitment to the Wichita community;

**Request No. 178**, by Representative Jack, commending Mindy McPheeters, J.D. for professional achievement and exemplary commitment to the Wichita community;

**Request No. 179**, by Representative Jack, commending Andover YMCA for tremendous service to Andover’s children and families;

**Request No. 180**, by Representative Jack, commending K. T. Thiessen for many years of exemplary work in financial services;

**Request No. 181**, by Representative Jack, commending Malcom Auto Center for many successful years providing professional and quality service to Andover;

**Request No. 182**, by Representative Jack, commending Tiffany Cox for many years of safely raising and educating Kansas children;

**Request No. 183**, by Representative Jack, commending Lisa Ritchie for her tireless efforts to keep Kansas safe;

**Request No. 184**, by Representative Jack, congratulating TIMBUKTU for many years of serving the Andover community;

**Request No. 185**, by Representative Jack, commending Jodi Kienzle for outstanding professionalism and customer service;

**Request No. 186**, by Representative Jack, honoring Mayor Ben Lawrence for his many years of outstanding leadership in the city of Andover;

**Request No. 187**, by Representative Jack, congratulating Dave Dvorak for his many years of service to the Andover community;

**Request No. 188**, by Representative Jack, honoring Dave and Sid Sproul for their commitment to higher education in Kansas;

**Request No. 189**, by Representative Jack, commending Trinidad Galdean for outstanding support of the Wichita business community;

**Request No. 190**, by Representative Jack, commending Phillip M. Hayes for his outstanding success helping Kansans find quality employers;

**Request No. 191**, by Representative Jack, honoring Hugh Tappan for professional achievement and exemplary commitment to Kansas;

**Request No. 192**, by Representative Jack, honoring Jack Pelton for his professional achievement and exemplary commitment to Kansas;

**Request No. 193**, by Representative Jack, honoring Jay Allbaugh for his professional achievement and exemplary commitment to Kansas;

**Request No. 194**, by Representative Jack, honoring Mandi Stephenson for professional achievement and exemplary service to the community;

**Request No. 195**, by Representative Jack, honoring Stephanie Ralston for professional achievement and exemplary service to the community;

**Request No. 196**, by Representative Jack, honoring Courtney Hadley for professional achievement and exemplary service to the community;

**Request No. 197**, by Representative Jack, honoring David Jack for professional achievement and exemplary service to the community;

**Request No. 198**, by Representative Seiwert, congratulating Charles Gabehart for serving on the Ark Valley Electric Cooperative Board 12 continuous years; 2 years as President;

**Request No. 199**, by Representative Seiwert, congratulating Master Sergeant Theodore J. Neises on retiring from the Kansas Army National Guard after 22 years of honorable service;

**Request No. 200**, by Representative Pottorff, congratulating Amanda Goldman for receiving 1st place and best of show in the Hamilton Geometry Fair;

**Request No. 201**, by Representative Hayzlett, congratulating Douglas R. Huddleston on achieving the rank of Eagle Scout;

**Request No. 202**, by Representative Hayzlett, congratulating Adam P. Smith on achieving the rank of Eagle Scout;

**Request No. 203**, by Representatives Winn, Burroughs, Frownfelter, Henderson, Long, Peterson and Ruiz, congratulating Dr. Jill Shackelford, Superintendent of the Kansas City, Kansas Public Schools, for her outstanding service and drive in the pursuit of excellence in educating all children of USD 500;

**Request No. 204**, by Representative Kleeb, congratulating Grant Unruh on achieving the rank of Eagle Scout;

**Request No. 205**, by Representative Kleeb, congratulating Connor Dickey on achieving the rank of Eagle Scout;

**Request No. 206**, by Representative Kleeb, congratulating Mark Nichols on achieving the rank of Eagle Scout;

**Request No. 207**, by Representative Kleeb, congratulating Jared Hoopes on achieving the rank of Eagle Scout;

**Request No. 208**, by Representative Kleeb, congratulating Jacob Hoopes on achieving the rank of Eagle Scout;

**Request No. 209**, by Representative Kleeb, congratulating Tyrone Williams on achieving the rank of Eagle Scout;

**Request No. 210**, by Representative Kleeb, congratulating Clayton Buckner on achieving the rank of Eagle Scout;

**Request No. 211**, by Representative Kleeb, congratulating Alec Brown on achieving the rank of Eagle Scout;

**Request No. 212**, by Representative Kleeb, congratulating Jonathan Gilson on achieving the rank of Eagle Scout;

**Request No. 213**, by Representative Kleeb, congratulating Dylan Howes on achieving the rank of Eagle Scout;

**Request No. 214**, by Representative Kleeb, congratulating Mark Nichols on achieving the rank of Eagle Scout;

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

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

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2595**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6049—

A RESOLUTION congratulating and commending the Kansas Arts Commission, the Kansas Arts Commissioners and the Kansas Arts Commission staff for creating an arts environment that benefits the State of Kansas and its people.

WHEREAS, The Kansas Arts Commission is a leader in arts education programs in Kansas. They support approximately 200 organizations, schools and agencies throughout the state every year. In the fiscal year 2009, they served 1,705,939 children; and

WHEREAS, The Kansas Arts Commission provides matching grants that meet the needs of children, schools and organizations that integrate arts into all curricular areas, support artists as educators and undergird existing arts education programs; and

WHEREAS, The Kansas Arts Commission supports arts education programs in organizations as diverse as the Kansas Music Educators Association, Arkansas Area Arts Council, the Beach Museum of Art and Theatre for Young America, as well as underwrite the presentation of Kansas artists who perform in schools and library settings through its Arts on Tour program; and

WHEREAS, The Kansas Arts Commission works in partnership with the Kansas State Department of Education to enhance arts education programs throughout the state; and

WHEREAS, The arts enhance every student's learning by improving academic achievement, developing creative thinking and problem-solving skills and teach teamwork, discipline and cooperation; and

WHEREAS, Kansas is the national leader in personal artistic creation. More people paint, take pictures, weave, make quilts, play musical instruments and write creatively in Kansas than in any other state in the country. Adults pursue these personal creative outlets that enhance their lives immeasurably because as a state, we have made a commitment to arts education: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend the Kansas Arts Commission, the Kansas Arts Commissioners and the entire staff of the Kansas Arts Commission for their success in creating an outstanding arts environment in the State of Kansas and we encourage all legislators and Kansans to continue supporting the fine work they do; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to send five enrolled copies of this resolution to Representative Kelley.

On motion of Rep. Merrick, the House recessed until 8:00 p.m.

EVENING SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House concurred in Senate amendments to HB 2595, An act concerning school districts; relating to the provision of transportation; relating to school buildings; amending K.S.A. 2009 Supp. 31-150 and 72-1046b and repealing the existing sections.

On roll call, the vote was: Yeas 114; Nays 3; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Lane, Swanson.

Present but not voting: None.

Absent or not voting: Fund, S. Gatewood, Grange, Hermanson, Jack, Landwehr, Rhoades, Schwab.

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on H. Sub. for SB 572 (see previous action, Afternoon Session).

Also, on motion of Rep. Powell, H. Sub. for SB 572 be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 268, of the amendment adopted on motion of Representative Feuerborn, following line 30, by inserting the following:

"Lodging fee fund ..... No limit
Provided, That expenditures may be made from the lodging fee fund for operating expenditures for the lodging inspection program and other activities for the regulation of lodging 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 agriculture under the lodging inspection program and other activities for the regulation of lodging 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 lodging fee fund.";

Also, roll call was demanded on motion of Rep. Kleeb to amend H. Sub. for SB 572 as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, in the amendment adopted on motion of Representative Feuerborn, on page 417, in line 4, after the period, by inserting the following to read as follows:

“Sec. 167.

COUNCIL ON EFFICIENT GOVERNMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenses ..... \$6,000

*Provided*, That all expenditures from the operating expenses account shall be for the operating expenses for the council on efficient government, which is hereby created: *Provided further*, That the council on efficient government shall consist of 11 members as follows:

(1) One member, who shall be either the lieutenant governor or the chief executive of a state agency, who shall be appointed by the governor; (2) two members, who shall be engaged in private business and are not members of the legislature, appointed by the governor; (3) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the president of the senate; (4) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the speaker of the house of representatives; (5) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the senate; and (6) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the house of representatives: *And provided further*, That such members shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the council shall exercise any power, duty or function as a member of the council until confirmed by the senate: *And provided further*, That such members shall serve for a term of two years, and that the terms of members appointed pursuant to this section shall expire on March 15, and that in the case of the member who is a state official, such member shall serve for a term of two years, or until such member ceases to hold public office, whichever occurs first: *And provided further*, That such members shall serve until a successor is appointed and confirmed, and that after the expiration of a member's term, or whenever a vacancy occurs a member shall be appointed as set forth in this section, and that in the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term, and that any member is eligible for reappointment for successive two-year terms: *And provided further*, That no such member shall appoint a designee to serve in such member's place on the council: *And provided further*, That the council shall annually elect a member as chairperson; and that the member appointed pursuant to paragraph (1) above, and any member who is a member of the legislature is not eligible to serve as chairperson: *And provided further*, That the council shall meet at least four times a year at the call of the chairperson, and that a quorum shall consist of a majority of the members of the council: *And provided further*, That such members attending council meetings shall be entitled to compensation and expenses as provided in K.S.A. 75- 3223, and amendments thereto: *And provided further*, That the council on efficient government shall: (1) Review and evaluate the possibility of outsourcing goods or services provided by a state agency to a private business or not-for-profit organization that is able to provide the same type of good or service and whether such action would result in cost savings to the state; (2) review and evaluate the possibility of outsourcing operations or functions of a state agency to a private business or not-for- profit organization that is able to more efficiently and cost-effectively perform such operation or function; (3) review and evaluate instances where a state agency is providing goods or services in competition with one or more private businesses to determine ways to eliminate such competition; (4) review and evaluate instances where a state agency is providing goods or services that replicate, duplicate or compete with one or more not-for-profit organizations or federal or local units of government; (5) make any requests it deems necessary to state agencies for an inventory of such agency's activities that may be outsourced, or that compete with, replicate or duplicate activities provided by private entities or federal or local units of government; (6) make recommendations to state agencies regarding the outsourcing of operations, functions and the provision of goods and services; (7) identify and distribute information regarding the best practices in outsourcing efforts to state agencies; (8) have the discretion to appoint advisory groups, provided, at least one member of the council is appointed to each such group; and (9) annually prepare and submit



a report, which shall be submitted no later than January 15, to the governor, the committee on ways and means of the senate and the committee on appropriations of the house of representatives, and which shall contain details of the council's activities for the immediately preceding year and include the following: (A) Recommendations on methods of delivering government services that would improve the efficiency, effectiveness and delivery of government services; (B) outsourcing efforts of state agencies; and (C) information on all outsourcing contracts entered into the preceding year, including, the dollar value of each outsourcing contract, descriptions of performance results, any breach of contract or inadequate performance, and the status of extensions, renewals and amendments of outsourcing contracts.”;

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

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Goyle, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Talia, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Grange, Rhoades, Spalding.

The motion of Rep. Kleeb did not prevail.

Also, roll call was demanded on motion of Rep. DeGraaf to amend **H. Sub. for SB 572** as amended by the House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 32, in line 18, by adding \$1 to the dollar amount and by adjusting the dollar amount in line 18 accordingly; in line 20, before the period by inserting “: *Provided further*, That expenditures from this account may be made to pay for expenses incurred in bringing or joining in a lawsuit challenging the federal health care package in the United States district court pursuant to the 2010 House Resolution No. 6036: *And provided further*, That expenditures from this account for the purposes of such litigation shall not exceed \$1”;

On roll call, the vote was: Yeas 58; Nays 63; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Fund, Grange, Rhoades, Worley.

The motion of Rep. DeGraaf did not prevail.

Also, on motion of Rep. Olson to amend **H. Sub. for SB 572**, Rep. C. Holmes requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Knox, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30, on page 239, by striking all in line 26;

On page 297, in line 22, by subtracting 2.00 from the number in the line, which reads 221.00 and adjusting the number in line 22, which reads 221.00 accordingly;

Also, on further motion of Rep. Knox to amend **H. Sub. for SB 572**, the motion did not prevail. Also, on further motion of Rep. Knox to amend, the motion did not prevail.

Also, on motion of Rep. Schwab to amend **H. Sub. for SB 572**, Rep. Swenson requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Siegfried, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 88, of the amendment adopted on motion of Representative Feuerborn, following line 8, by inserting the following to read as follows:

“(r) (1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of administration, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to establish a state real property inventory of all state real property: *Provided*, That, on or before August 30, 2010, the secretary of administration, or the secretary’s designee, shall complete a state real property inventory of all state real property: *Provided further*, That the state real property inventory shall include the legal description of each tract of state real property: *And provided further*, That, on or before August 30, 2010, the secretary of administration shall provide a copy of the state real property inventory to the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee: *And provided further*, That, on or before November 30, 2010, the secretary of administration, or the secretary’s designee, shall (1) determine and compile a market value for each tract of state real property, including the insurance value of each tract of state real property, the estimated value of each tract of state real property, or a suggested method of determining the value of each such tract of state real property, and (2) determine and verify the use or need of each tract of state real property to the state: *And provided further*, That, on or before November 30, 2010, the secretary of administration shall prepare and provide a copy of a report of the state real property valuation and the use or need of such state real property, to the governor-elect, the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee: *And provided further*, That, on or before January 15, 2011, the secretary of administration, or the secretary’s designee, shall (1) evaluate the marketability of each such tract of state real property, (2) evaluate the use or need of each such tract of state real property to the state, (3) evaluate the cost-to-benefit ratio of the state maintaining ownership of each such tract of state real property, (4) determine whether liquidation of each such tract of state real property is in the best interest of the state, and (5) establish contract safeguards and transaction parameters for the sale of such state real property: *And provided further*, That, on or before January 15, 2011, the secretary of administration shall provide a copy of such evaluation and determination to the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee: *And provided further*, That, on or before January 31, 2011, the secretary of administration, or the secretary’s designee, shall issue a request for proposal to liquidate all state real property which has been determined to be in the best interest of the state to sell: *And provided further*, That, on or before January 31, 2011, the secretary of administration shall provide a final report of all information required pursuant to this subsection to the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee.

(2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon.";

Also, roll call was demanded on motion of Rep. Kiegerl to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 9, in line 13, by adding \$2,275,543 to the dollar amount and by adjusting the dollar amount in line 13 accordingly; also following line 13, by inserting the following to read as follows:

"Community based services ..... \$1,505,351  
Mental health and retardation services aid and assistance..... \$2,391,618";

On page 11, in line 2, by subtracting \$12,524,313 from the dollar amount and by adjusting the dollar amount in line 2 accordingly;

On page 14, in line 12, by subtracting \$626,505 from the dollar amount and by adjusting the dollar amount in line 12 accordingly;

On page 20, by striking all in lines 11 through 14 and inserting the following:

"(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

LTC — medicaid assistance — NF..... \$2,568,550"

On roll call, the vote was: Yeas 44; Nays 77; Present but not voting: 0; Absent or not voting: 4.

Yeas: Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Vickrey, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Grange, Peterson, Rhoades.

The motion of Rep. Kiegerl did not prevail.

Also, roll call was demanded on motion of Rep. McLeland to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 226 of the amendment adopted on motion of Representative Feuerborn, following line 17, by inserting the following:

"(k) 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 fiscal year 2011, as authorized by this or other appropriation act of the 2010 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 or funds for fiscal year 2011 to prepare and provide a report on the first day of the 2011 regular session of the legislature to the committee on appropriations of the house of representatives and the committee on ways and means of the senate regarding the costs and potential savings of distance education and the quality of distance education regarding utilization of distance education for both K-12 and postsecondary education.";

On roll call, the vote was: Yeas 41; Nays 74; Present but not voting: 0; Absent or not voting: 10.

Yeas: A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Patton,

Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kiegerl, Kleeb, Long, Olson, Peterson, Rhoades, Suellentrop.

The motion of Rep. McLeland did not prevail.

Also, roll call was demanded on further motion of Rep. McLeland to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 306 of the amendment adopted on motion of Representative Feuerborn, following line 14, by inserting the following:

“(j) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 for the department of administration, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made for fiscal year 2011 to conduct a study by the chief information technology architect to evaluate the feasibility of information technology consolidation opportunities for the information technology architecture of the state: *Provided*, That the feasibility study shall examine the possible consolidation of facilities, staff, applications, networks, disaster recovery operations, data centers, access methods and any other aspect of the state’s information technology architecture that may be consolidated: *Provided further*, That, on or before August 1, 2010, the chief information technology architect shall submit the feasibility study to the council of chief information technology officers, which consists of three members who are the chief information technology officers for the executive, judicial and legislative branches of the state: *And provided further*, That, if the council of chief information technology officers approves any consolidation plan presented in the feasibility study, the council of chief information technology officers shall develop recommendations for strategic initiatives, conduct a cost-benefit analysis, calculate investment estimates and formulate implementation processes for such consolidation plan: *And provided further*, That, on or before September 1, 2010, the council of chief information technology officers shall submit any recommended consolidation plan, along with all other materials prepared pursuant to this subsection to the information technology executive council: *And provided further*, That the chief information technology architect shall prepare and present the feasibility study, any consolidation plan recommended by the council of chief information technology officers and any consolidation plan approved by the information technology executive council to the house appropriations committee and the senate committee on ways and means during the 2011 regular session of the legislature.”;

On roll call, the vote was: Yeas 42; Nays 69; Present but not voting: 0; Absent or not voting: 14.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, King, Kinzer, Knox, Landwehr, Mast, McLeland, Morrison, Myers, O’Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Siegfried, Suellentrop, Talia, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Johnson, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Otto, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin,

Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Craft, Frownfelter, Fund, George, Grange, Hineman, Kiegerl, Kleebl, Merrick, O'Brien, Peterson, Rhoades, Schwab, Seiwert.

The motion of Rep. McLeland did not prevail.

Also, roll call was demanded on motion of Rep. Suellentrop to amend **H. Sub. for SB 572** as amended by the House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, in the amendment adopted on motion of Representative Feuerborn, on page 6, following line 10 by inserting the following:

“(b) During the fiscal year ending June 30, 2011, no expenditures shall be made by the office of the securities commissioner of Kansas from any moneys appropriated from any special revenue fund for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, for any print or broadcast advertising bearing the name or likeness of the securities commissioner or of any employee or agent of the securities commissioner.”;

On page 44, following line 13, by inserting the following:

“(c) During the fiscal year ending June 30, 2011, no expenditures shall be made by the state treasurer from any moneys appropriated from any special revenue fund for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, for any print or broadcast advertising bearing the name or likeness of the state treasurer or of any employee or agent of the state treasurer.”;

On roll call, the vote was: Yeas 50; Nays 65; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleebl, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Bowers, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kuetner, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Grange, Kiegerl, Peterson, Rhoades, Schwab, Sloan, Tafanelli.

The motion of Rep. Suellentrop did not prevail.

Also, roll call was demanded on motion of Rep. Kinzer to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 417 of the amendment adopted on motion of Representative Feuerborn, following line 4, by inserting the following:

“Sec. 167. (a) During the fiscal year ending June 30, 2011, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.

(b) As used in this section “hospitals” shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and “federally qualified health center” shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.”

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 75; Nays 42; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Hawk, Henderson, Hill, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Pottorff, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Grange, Kiegerl, Light, Neufeld, Peterson, Rhoades. The motion of Rep. Kinzer prevailed.

Also, roll call was demanded on motion of Rep. Mast to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 22 of the amendment adopted on motion of Representative Feuerborn, following line 11, by inserting the following:

"Sec. 44.

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(a) On and after the effective date of this act, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from any moneys appropriated for the legislature for the fiscal year ending June 30, 2010, by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by any other appropriation act of the 2010 regular session of the legislature from the state general fund for the purposes of paying the members of the legislature compensation for two days when the senate and house of representatives were in session during the period from April 28, 2010, through May 28, 2010: *Provided further*, That, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, no amount shall be payable to members of the legislature for compensation for such two days when the senate and house of representatives were in session during the period from April 28, 2010, through May 28, 2010, under K.S.A. 46-137a, and amendments thereto.";

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 57; Nays 60; Present but not voting: 0; Absent or not voting: 8.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, King, Kinzer, Kleeb, Knox, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Schwab, Seiwert, Siegfried, Slattery, Spalding, Suellentrop, Tafanelli, Talia, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Neufeld, Palmer, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Sloan, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Grange, Kiegerl, Landwehr, Peterson, Rhoades.

The motion of Rep. Mast did not prevail.

Also, on motion of Rep. Moxley, **H. Sub. for SB 572** be amended as amended by the House Committee of the Whole, and as further amended on motion of Representative

Feuerborn, in the amendment, FAS572t30.wpd, on page 238 of the amendment adopted on motion of Representative Feuerborn, in line 16, by adding \$5,000,000 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

Also, roll call was demanded on motion of Rep. Kelley to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 27 of the amendment adopted on motion of Representative Feuerborn, following line 14, by inserting the following:

“(d) Notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from any moneys appropriated for the legislature for the fiscal year ending June 30, 2010, by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by any other appropriation act of the 2010 regular session of the legislature, from the state general fund for per diem compensation for members of the legislature for days the legislature is in session on or after May 7, 2010, and before May 28, 2010, during payroll periods chargeable to fiscal year 2010 for services at the 2010 regular session as provided by subsection (a) of K.S.A. 46-137a, and amendments thereto, or any other statute.”;

On roll call, the vote was: Yeas 49; Nays 63; Present but not voting: 0; Absent or not voting: 13.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Mast, McLeland, Meier, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Seiwert, Siegfried, Slattery, Suellentrop, Tafanelli, Talia, Vickrey, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, M. Holmes, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Moxley, Neighbor, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Fund, George, Grange, Kiegerl, Landwehr, Menghini, Neufeld, Peterson, Pottorff, Rhoades, Schwab.

The motion of Rep. Kelley did not prevail.

Also, on motion of Rep. Gordon to amend **H. Sub. for SB 572**, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Peck to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 119, following line 9, by inserting the following material to read as follows:

“(c) On July 1, 2010, the director of accounts and reports shall transfer \$903,161 from the public broadcasting council grants account of the state general fund of the department of administration to the operating expenditures — administration account of the state general fund of the Kansas commission on veterans affairs.”;

On roll call, the vote was: Yeas 108; Nays 10; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Bollier, Crow, Davis, Flaharty, Kuether, Lane, Menghini, Pottorff, Roth.  
Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Landwehr, Loganbill, Peterson, Rhoades.  
The motion of Rep. Peck prevailed.

Also, on motion of Rep. Burgess to amend **H. Sub. for SB 572**, the motion was withdrawn.

Also, on further motion of Rep. Burgess, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 306, following line 14, by inserting the following:

“(j) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 for the department of administration, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made for fiscal year 2011 to conduct a study by the chief information technology architect to evaluate the feasibility of information technology consolidation opportunities for the information technology architecture of the state: *Provided*, That the feasibility study shall examine the possible consolidation of facilities, staff, applications, networks, disaster recovery operations, data centers, access methods and any other aspect of the state’s information technology architecture that may be consolidated: *Provided further*, That, on or before October 1, 2010, the chief information technology architect shall submit the feasibility study to the council of chief information technology officers, which consists of three members who are the chief information technology officers for the executive, judicial and legislative branches of the state: *And provided further*, That, if the council of chief information technology officers approves any consolidation plan presented in the feasibility study, the council of chief information technology officers shall develop recommendations for strategic initiatives, conduct a cost-benefit analysis, calculate investment estimates and formulate implementation processes for such consolidation plan: *And provided further*, That, on or before November 1, 2010, the council of chief information technology officers shall submit any recommended consolidation plan, along with all other materials prepared pursuant to this subsection to the information technology executive council: *And provided further*, That the chief information technology architect shall prepare and present the feasibility study, any consolidation plan recommended by the council of chief information technology officers and any consolidation plan approved by the information technology executive council to the house appropriations committee and the senate committee on ways and means during the 2011 regular session of the legislature.”;

Also, roll call was demanded on motion of Rep. A. Brown to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 166, following line 20, by inserting the following material to read as follows:

“(q) On July 1, 2010, the director of accounts and reports shall transfer 50% of the \$8,534,972 appropriated by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas for the fiscal year ending June 30, 2011, from the state general fund for the state finance council in the classified salary market adjustments (including fringe benefits) account, to each of the following accounts of the state general fund of the department of social and rehabilitation services for the fiscal year ending June 30, 2011: The mental health and retardation services aid and assistance account and the community based services account.”;

And by relettering subsections accordingly;

On roll call, the vote was: Yeas 47; Nays 68; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Hayzlett, Hermanson, C. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Suellentrop, Talia, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado,



Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Neighbor, Palmer, Patton, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Seiwert, Slattery, Spalding, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Colloton, Fund, George, Grange, M. Holmes, Kiegerl, Peterson, Rhoades, Sloan, Tafanelli.

The motion of Rep. A. Brown did not prevail.

Also, roll call was demanded on motion of Rep Crum to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 140, in line 5, by subtracting \$382,900 from the dollar amount and by adjusting the dollar amount in line 5 accordingly; in line 7, by striking all after the colon; by striking all in lines 8 through 10; in line 11, by striking all before the period;

On roll call, the vote was: Yeas 17; Nays 94; Present but not voting: 0; Absent or not voting: 14.

Yeas: A. Brown, Crum, Donohoe, Faber, Hayzlett, Hermanson, M. Holmes, Jack, Kerschen, Mast, McLeland, Merrick, Morrison, Powell, Prescott, Seiwert, Whitham.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Huebert, Johnson, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kelley, Kiegerl, Kleeb, Neufeld, Olson, Peterson, Rhoades, Schwab, Schwartz, Suellentrop, Tafanelli.

The motion of Rep. Crum did not prevail.

Also, on motion of Rep. O'Neal to amend **H. Sub. for SB 572**, Rep. Aurand requested the question be divided. The question was divided.

Roll call was demanded on Part A of the motion of Rep. O'Neal to amend as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 175 of the amendment adopted on motion of Representative Feuerborn, following line 20, by inserting the following:

“(1) 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 or funds for fiscal year 2011 for the department of education, the department of education shall make expenditures, and take such actions, including imposing requirements and restrictions on making such reallocations as may be required, to ensure that at least 65% of the moneys appropriated, distributed or otherwise provided by the department of education to school districts attributable to the increase in the amount of moneys from fiscal year 2010 to fiscal year 2011 shall be expended in the classroom or for instruction as defined in K.S.A. 72-64c01, and amendments thereto: *Provided*, That, for the purposes of this subsection, the amount of such increase shall be determined by the director of the budget in consultation with the director of legislative research.;

On roll call, the vote was: Yeas 50; Nays 70; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab,

Schwartz, Seiwert, Shultz, Siegfroid, Suellentrop, Swanson, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Peterson, Rhoades.

Part A of the motion of Rep. O'Neal did not prevail.

Also, roll call was demanded on Part B of the motion of Rep. O'Neal to amend **H. Sub. for SB 572**, as follows:

(m) 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 or funds for fiscal year 2011 for the department of education, the department of education shall make expenditures for the state board of education to adopt a uniform chart of accounts for the reporting of receipts and expenditures of school districts: *Provided*, That school districts shall report receipts and expenditures of the district in accordance with such uniform chart of accounts: *And provided further*, That, on or before December 31, 2011, the state board shall modify the uniform system of reporting, as described in K.S.A. 2009 Supp. 72-7536, and amendments thereto, so that it includes detailed records of revenue and expenditure transactions of school districts that conform to such uniform chart of accounts: *And provided further*, That the state board shall require school districts to submit detailed revenue and expenditure records to the state board in an electronic format that is prescribed by the state board: *And provided further*, That the audit report prepared for a school district pursuant to K.S.A. 75- 1124, and amendments thereto, shall include a statement of assurance that the school district has reported the receipts and expenditures of the district in accordance with such uniform chart of accounts."

On roll call, the vote was: Yeas 62; Nays 58; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, S. Gatewood, George, Goico, Gordon, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfroid, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Peterson, Rhoades.

Part B of the motion of Rep. O'Neal prevailed.

Also, roll call was demanded on motion of Rep. Gordon to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 146, in line 9, by adding \$1,458,188 to the dollar amount and by adjusting the dollar amount in line 9 accordingly;

On roll call, the vote was: Yeas 47; Nays 69; Present but not voting: 1; Absent or not voting: 8.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, King, Kinzer,

Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: Hawk.

Absent or not voting: Fund, Grange, Kelley, Kiegerl, Peterson, Rhoades, Sloan, Swanson. The motion of Rep. Gordon did not prevail.

Also, on motion of Rep. A. Brown to amend **H. Sub. for SB 572**, Rep. Garcia requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, roll call was demanded on motion of Rep. Kelley to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 96, following line 9, by inserting the following:

“(h) On November 1, 2010, or as soon thereafter as moneys are available, and notwithstanding the provisions in K.S.A.79-4231, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,700,000 from the oil and gas valuation depletion trust fund of the department of revenue to the state general fund: *Provided*, That the aggregate amount transferred under this subsection shall be accounted for by debiting each account in the oil and gas valuation depletion trust fund with the amount credited to such account that bears the same relation to the aggregate amount credited to such account as the aggregate amount transferred under this subsection bears to the aggregate amount credited to the oil and gas valuation depletion trust fund.”;

On page 417, in line 4, after the period, by inserting the following:

“Sec. 167. On July 1, 2011, K.S.A. 2009 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for aid for families with dependent children, for food stamp assistance and for any other assistance provided through the department of social and rehabilitation services under which federal moneys are expended, the secretary of social and rehabilitation services shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any additional motor vehicle owned by the applicant for assistance to be a non-exempt resource of the applicant for assistance.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) *Assistance to families with dependent children.* Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children. Where husband and wife are living together both

shall register for work under the program requirements for aid to families with dependent children in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(c) *Aid to families with dependent children; assignment of support rights and limited power of attorney.* By applying for or receiving aid to families with dependent children such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving aid to families with dependent children, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(d) *Eligibility requirements for general assistance, the cost of which is not shared by the federal government.* (1) General assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d).

(A) To qualify for general assistance in any form a needy person must have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be a member of a family in which a minor child or a pregnant woman resides or be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing when a minor child may be considered to be living with a family and whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to families in which a minor child or a pregnant woman resides or to an adult or family in which all legally responsible family members are unable to engage in employment. Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.

(B) To qualify for general assistance in any form a needy person must be a citizen of the United States or an alien lawfully admitted to the United States and must be residing in the state of Kansas.

(2) General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of

the secretary relating to inability to engage in employment or are not a member of a family in which a minor or a pregnant woman resides.

(3) In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first time failure to complete such a work assignment requirement shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a period fixed by such rules and regulations of ineligibility of not more than six calendar months.

(4) If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720, and amendments thereto, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the provisions of K.S.A. 39-720, and amendments thereto, or the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction. If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction.

(e) *Requirements for medical assistance for which federal moneys or state moneys or both are expended.* (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to subsection (c) of K.S.A. 16-303, and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such

discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

(f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 and amendments thereto of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or

recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to subsection (d) of K.S.A. 39-756, and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is (A) a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both, and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection (g). The secretary is authorized to enforce each claim provided for under this subsection (g). The secretary shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary from claims under this subsection (g) shall be deposited in the social welfare fund. The secretary may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection (g).

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, such individual or such individual's agent, fiduciary, guardian, conservator, representative payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, which forms the basis for a claim under subsection (g)(2), such claim is limited to the individual's probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, which forms the basis for a claim under subsection (g)(2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased

recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of social and rehabilitation services or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record. The lien must be filed in the office of the register of deeds of the county where the real property is located and must contain the legal description of all real property in the county subject to the lien. This lien is for payments of medical assistance made by the department of social and rehabilitation services to the recipient who is an inpatient in a nursing home or other medical institution. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home, nursing homes or other medical institution shall constitute a determination by the department of social and rehabilitation services that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of social and rehabilitation services after the expiration of six months from the date the recipient became eligible for compensated inpatient care at a nursing home, nursing homes or other medical institution until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient.

(5) The lien filed by the secretary or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

(A) After the death of the surviving spouse of the recipient;

(B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;

(C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or

(D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary or the secretary's designee;

(B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure;

(C) the value of the real property is consumed by the lien, at which time the secretary or the secretary's designee may force the sale for the real property to satisfy the lien; or

(D) after a lien is filed against the real property, it will be dissolved if the recipient leaves the nursing or medical facility and resides in the property to which the lien is attached for a period of more than 90 days without being readmitted as an inpatient to a nursing or medical facility, even though there may have been no reasonable expectation that this would occur. If the recipient is readmitted to a nursing or medical facility during this period, and does return home after being released, another 90 days must be completed before the lien can be dissolved.

(7) If the secretary of social and rehabilitation services or the secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient.



Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(h) *Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney.* In any case in which the secretary of social and rehabilitation services pays for the expenses of care and custody of a child pursuant to K.S.A. ~~2008~~ 2009 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

(i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

(j) If the applicant or recipient of aid to families with dependent children is a mother of the dependent child, as a condition of the mother's eligibility for aid to families with dependent children the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of aid to families with dependent children who fails to cooperate with requirements relating to child support enforcement under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations which penalty shall progress to ineligibility for the family after three months of noncooperation.

(k) By applying for or receiving child care benefits or food stamps, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756 and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food stamps, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of aid to families with dependent children.

(1) (1) Applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall agree to participate in a program of drug screening. Within the limits of appropriations therefor, the program of drug screening for cash assistance recipients shall be established, subject to applicable federal law, by the secretary of social and rehabilitation services on or before January 1, 2012. Subject to appropriations therefor, such program shall provide for random drug screening of approximately 1/3 of cash assistance recipients each year. A cash assistance recipient who tests positive for use of an illegal substance shall undergo a drug evaluation and if indicated by the evaluation be required to complete an educational or treatment program recommended as a result of the evaluation.

(2) Subject to applicable federal laws, any cash assistance recipient who fails to complete the educational or treatment program required under this subsection (1) shall be terminated from cash assistance. After completion of such educational or treatment program, the cash assistance recipient shall be subject to periodic drug screening. Upon a second positive test for use of an illegal substance, the cash assistance recipient shall complete again an educational or treatment program for substance abuse. Upon a third positive test for use of an illegal substance, the cash assistance recipient, subject to applicable federal law, if any, shall be terminated from cash assistance. Other members of a household which include a recipient who has been terminated from cash assistance shall, if otherwise eligible, continue to receive cash assistance as protective or vendor payments to a third-party payee for the benefit of the members of the household.

(3) Except for hearings before the department of social and rehabilitation services or criminal prosecutions, the results of any test administered as part of the drug screening program authorized by this section shall be confidential and shall not be disclosed publicly.

(4) The secretary of social and rehabilitation services may adopt such rules and regulations as necessary to carry out the provisions of this section.

(5) The secretary of social and rehabilitation services shall report on or before January 31, 2013, and annually thereafter on or before January 31 to the chairperson of the house committee on appropriations, the chairperson of the house committee on health and human services, the chairperson of the senate committee on ways and means and the chairperson of the senate committee on public health and welfare concerning the operation and administration of the drug screening program established under this subsection.

(6) As used in this subsection, "cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and acts amendatory thereof or supplemental thereto, and any rules and regulations adopted pursuant to such statutes.

(7) During the 2012 regular session of the legislature, the legislature shall review the progress of the implementation of the program of drug screening for cash assistance recipients established under this subsection.

Sec. 168. On July 1, 2011, K.S.A. 2009 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor or attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

(1) The office of governor, lieutenant governor or attorney general;

(2) members of the Kansas senate or house of representatives;

~~(3)~~ (3) any safety sensitive position;

~~(4)~~ (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;

~~(5)~~ (5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;

~~(5)~~ (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or

~~(6)~~ (7) any employee of a state veteran's home operated by the Kansas commission on veteran's affairs as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) No person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

- (1) The employee has not previously had a valid positive test result; and
- (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

(g) "Safety sensitive positions" means the following:

- (1) All state law enforcement officers who are authorized to carry firearms;
- (2) all state corrections officers;
- (3) all state parole officers;
- (4) heads of state agencies who are appointed by the governor and employees on the governor's staff;
- (5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 21-3826, and amendments thereto;
- (6) all employees of a juvenile correctional facility, as defined in K.S.A. 2009 Supp. 38-2302, and amendments thereto; and
- (7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or habilitative services to the clients and patients of those institutions.

Sec. 169. On July 1, 2011, K.S.A. 2009 Supp. 39-709 and 75-4362 are hereby repealed.;

And by renumbering the sections accordingly;

In the title, in line 17, after the semicolon, by inserting "relating to a program for drug screening"; in line 18, after "12-5256," by inserting "39-709,;" also in line 18, after "75-2319,," by inserting "75-4362,;"

On roll call, the vote was: Yeas 50; Nays 67; Present but not voting: 0; Absent or not voting: 8.

Yeas: Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Kelley, King, Kinzer, Kleebe, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kiegerl, O'Brien, Peterson, Rhoades, Schwab.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on motion of Rep. Davis to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 23, in line 15, by adding \$111,303 to the dollar amount and adjusting the dollar amount in line 15 accordingly;

On roll call, the vote was: Yeas 63; Nays 54; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Slattery, Sloan, Spalding, Swanson, Swenson, Talia, Tietze, Trimmer, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Finney, D. Gatewood, Goico, Gordon, Goyle, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Neal, Olson, Otto, Palmer, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Schwab, Seiwert, Shultz, Siegfried, Suellentrop, D. Svaty, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kiegerl, O'Brien, Peterson, Rhoades, Ward. The motion of Rep. Davis prevailed.

Also, on motion of Rep. Feuerborn, **H. Sub. for SB 572** be amended as amended by the House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 117, in line 22, by subtracting \$11,725 from the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 118, in line 1, by adding \$11,725 to the dollar amount and by adjusting the dollar amount in line 1 accordingly;

On page 140, in line 11, before the period by inserting the following: “: *And provided further*, That expenditures shall be made from this account to expand the telehealth pilot study by 500 telehealth monitor units for fiscal year 2011: *And provided further*, That such units shall be distributed geographically statewide: *And provided further*, That if legislation which authorizes an annual, uniform assessment per licensed bed, referred to as a quality care assessment, on each skilled nursing care facility, is passed by the legislature during the 2010 regular session and enacted into law, no such funds collected by such assessment shall be expended for any telehealth monitor units”;

On page 151, in line 2, by striking “directory” and inserting “director”;

On page 182, in line 16, by striking “by” and inserting “be”

On page 266, in line 2, by striking “Speciality” and inserting “Specialty”;

On page 302, in line 1, after “equal” by inserting “to”; also in line 1, by striking “2010” and inserting “2011”;

On page 406, in line 8, by striking “employees” and inserting “officers”;

On page 407, in line 3, by striking “employee” and inserting “officer”; in line 9, by striking “employees” and inserting “officers”; in line 21, by striking “employees” and inserting “officers”;

On page 409, by striking all in lines 4 through 12;

Also, roll call was demanded on motion of Rep. Yoder to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 253, in line 15, by adding \$1,080,630 to the dollar amount and by adjusting the dollar amount in line 15 accordingly;

On roll call, the vote was: Yeas 72; Nays 46; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Lukert, Maloney, Mast, McLeland, Merrick, Morrison,

Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Kuether, Lane, Light, Loganbill, Long, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, Tietze, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kiegerl, O'Brien, Peterson, Rhoades.

The motion of Rep. Yoder prevailed.

Also, roll call was demanded on motion to recommend **H. Sub. for SB 572** favorably for passage.

On roll call, the vote was: Yeas 71; Nays 48; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Schwab, Schwartz, Seiwert, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, O'Brien, Peterson, Rhoades.

The motion prevailed, and **H. Sub. for SB 572** be passed as amended.

On motion of Rep. Spalding, pursuant to House Rule 1503(a), to change the order on General Orders of **H. Sub. for SB 74** to the next order of business to be considered on General Orders today, roll call was demanded.

On roll call, the vote was: Yeas 69; Nays 48; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Olson, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, K. Wolf, Worley.

Nays: Aurand, Bethell, A. Brown, Brunk, Burgess, Burroughs, Carlson, Crum, DeGraaf, Donohoe, Faber, Flaharty, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Whitham, Winn, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Mast, O'Brien, Peterson, Rhoades, Schwab.

Not having received the required 70 votes, the motion did not prevail.

Having voted on the prevailing side, Rep. Burroughs moved that the House reconsider its action on **H. Sub. for SB 74**.

Roll call was demanded.

On roll call, the vote was: Yeas 73; Nays 44; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kleeb, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Seiwert, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Light, O'Brien, Peterson, Rhoades, Schwab.

Having received the required 70 votes, the motion prevailed.

The question reverted back to the motion of Rep. Spalding to change the order of **H. Sub. for SB 74** to the next order of business on General Orders.

Roll call was demanded.

On roll call, the vote was: Yeas 72; Nays 45; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Mast, O'Brien, Peterson, Rhoades, Schwab.

Having received the required 70 votes, the motion prevailed.

The Rules Chair ruled the bill will be the first order of business tomorrow, May 8, 2010.

#### REPORT ON ENGROSSED BILLS

**HB 2454**; **S. Sub. for HB 2582** reported correctly engrossed May 6, 2010.  
Also, **HB 2554** reported correctly engrossed May 7, 2010.

#### REPORT ON ENROLLED BILLS

**S. Sub. for HB 2310**; **HB 2446**, **HB 2561**, **HB 2656**, **HB 2691** reported correctly enrolled, properly signed and presented to the governor on May 7, 2010.

On motion of Rep. Merrick, the House adjourned until 1:00 p.m., Saturday, May 8, 2010.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

