



# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Kansas, Inc.

## Notice of Meeting

The Kansas, Inc. Board of Directors will meet from 10 a.m. to noon Monday, June 10, in Suite 100, 632 S.W. Van Buren, Topeka. The meeting is open to the public. For further information, call (785) 296-1460.

Charles R. Ranson  
President

Doc. No. 028015

## State of Kansas

## Secretary of State

## Code Mortgage Rate for June

Pursuant to the provisions of K.S.A. 2001 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of June 1, 2002 through June 30, 2002, is 12 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 027996

## State of Kansas

## Kansas Insurance Department

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, August 7, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of a proposed regulation.

This 60-day notice of the public hearing shall constitute a public comment period for purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Rebecca Sanders, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678. All interested parties will be given a reasonable opportunity to present their views orally during the hearing on the adoption of the proposed regulation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days

in advance of the hearing by contacting Rebecca Sanders at (785) 296-7811.

A copy of the regulation and the economic impact statement may be obtained by contacting Rebecca Sanders. A summary of the regulation and its economic impact follows:

**K.A.R. 40-1-49.** This regulation sets out the standards that stop loss insurance policies shall meet in order to be approved to be marketed in Kansas. These standards codify into regulation bulletins issued by the Kansas Insurance Department as to what standards stop loss policies shall have before they are approved in Kansas.

The economic impact on the industry will be minimal, if at all. To the Insurance Department's knowledge, all insurance companies, except one, selling stop loss insurance in Kansas are adhering to these standards already. There will be no economic impact on the department on local government jurisdictions.

Kathleen Sebelius  
Kansas Insurance Commissioner

Doc. No. 028003

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## State of Kansas

**Secretary of State****Usury Rate for June**

Pursuant to the provisions of K.S.A. 2001 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of June 1, 2002 through June 30, 2002, is 8.10 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 027995

## State of Kansas

**Department of Administration  
Division of Facilities Management****Notice of Commencement of  
Negotiations for Technical Services**

Notice is hereby given of the commencement of negotiations for air and water balancing services and commissioning of mechanical and electrical systems for state construction projects for the 12-month period from July 1, 2002 to June 30, 2003. Negotiations also are commencing for infrared testing services and mechanical and electrical troubleshooting.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies that are of the same parent company as the designers or contractors of a particular project will not be considered for that project.

Firms interested in providing these services should submit an SF 254 form indicating their qualifications, fees for their services and geographical areas of the state in which they are willing to work to Gary Grimes, Division of Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. An original of the SF 254 form (plus attachments as required) should be submitted with letters of interest.

It is the intention of the division to pre-approve a separate group of qualifying firms and award projects on a rotational basis. If a firm anticipates being limited to specific-sized projects, by dollar volume or location in the state, that information also should be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes. Submittals should be received before 5 p.m. June 21.

Joe Fritton, P.E.  
Director, Division of  
Facilities Management

Doc. No. 028001

## State of Kansas

**Pooled Money Investment Board****Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

**Effective 6-3-02 through 6-9-02**

Term	Rate
1-89 days	1.80%
3 months	1.65%
6 months	1.87%
1 year	2.35%
18 months	2.86%
2 years	3.16%

Derl S. Treff  
Director of Investments

Doc. No. 027994

## State of Kansas

**Department of Administration  
Division of Facilities Management****Notice of Commencement of  
Negotiations for Technical Services**

Notice is hereby given of the commencement of negotiations for surveying and soil testing services for state construction projects for the 12-month period from July 1, 2002 to June 30, 2003. Soil testing services would include testing and reporting prior to construction and inspection services during construction. Firms that provide concrete, welding, asphalt, steel, lead paint and hazardous material testing also are being sought.

Firms interested in providing these services should submit an SF 254 form indicating their qualifications, fees for their services and geographical areas of the state in which they are willing to work to Gary Grimes, Division of Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. An original the SF 254 form (plus attachments as required) should be submitted with letters of interest.

It is the intention of the division to pre-approve a separate group of qualifying firms and award projects on a rotational basis. If a firm anticipates being limited to specific-sized projects, by dollar volume or location in the state, that information also should be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes. Submittals should be received before 5 p.m. June 21.

Joe Fritton, P.E.  
Director, Division of  
Facilities Management

Doc. No. 028000

## State of Kansas

## Secretary of State

## Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's Web site at [www.kssos.org](http://www.kssos.org). The following appointments were recently filed with the Secretary of State:

**District Judge, 9th Judicial District,  
Division 1**

**Marty Joe Dickinson**, Harvey County Courthouse, 8th and Main, Newton, 67114. Succeeds Theodore B. Ice, resigned.

**District Judge, 31st Judicial District,  
Division 1**

**Daniel D. Creitz**, Neosho County Courthouse, 100 S. Main, Erie, 66733. Succeeds John W. White, resigned.

**Gray County Register of Deeds**

**Marla Griffin**, Gray County Courthouse, 300 S. Main, Cimarron, 67835. Term expires when a successor is elected and qualifies according to law. Succeeds Barbara Toothaker, resigned.

**Mitchell County Clerk**

**Christine Treaster**, Mitchell County Courthouse, 111 S. Hersey, Beloit, 67420. Term expires when a successor is elected and qualifies according to law. Succeeds Joleen Walker, resigned.

**Wilson County Treasurer**

**Annette Cranmer**, Wilson County Courthouse, 615 Madison, Fredonia, 66736. Term expires when a successor is elected and qualifies according to law. Succeeds Rita Githens, resigned.

**Board of Adult Care Home Administrators**

**Joyce Barr**, 1046 S.W. Valencia Road, Topeka, 66615. Term expires June 30, 2004. Reappointed.

**Julie Gatts**, 9867 106th, Ozawkie, 66070. Term expires June 30, 2004. Reappointed.

**John E. Lehman**, Apostolic Christian Home, 511 Paramount St., Sabetha, 66534. Term expires June 30, 2004. Reappointed.

**Jane O'Bryan**, 402 Central, St. Paul, 66771. Term expires June 30, 2004. Reappointed.

**State Civil Service Board**

**William A. Dean**, 8304 Connell Drive, Overland Park, 66212. Term expires March 15, 2006. Reappointed.

**Glenn Fisher**, 2510 N. Roosevelt St., Wichita, 67220. Term expires March 15, 2006. Reappointed.

**Kansas Dental Board**

**Jane A. Criser**, 1512 N. Parkridge, Wichita, 67212. Term expires April 30, 2006. Reappointed.

**Dr. Stephen R. Haught**, 1718 Yucca Lane, Emporia, 66801. Term expires April 30, 2006. Reappointed.

**Susan Schneweis**, 1308 Inverness Drive, Lawrence, 66049. Term expires April 30, 2006. Reappointed.

**Emergency Medical Services Board**

**James R. Behan**, 514 Campus View Drive, Garden City, 67846. Term expires May 31, 2006. Reappointed.

**Duane E. Mathes**, 1021 Marsh, Kinsley, 67547. Term expires May 31, 2006. Reappointed.

**James E. McClain**, 106 W. Benedict, Bennington, 67422. Term expires May 31, 2006. Reappointed.

**Kansas Firefighters Memorial  
Advisory Committee**

**John E. Helm**, 950 S. 3rd St., Salina, 67401. Serves at the pleasure of the Governor. Succeeds Earl Hemphill, deceased.

**Governmental Ethics Commission**

**Barbara J. Barnard**, 2124 S.E. 38th Circle, Topeka, 66609. Term expires January 31, 2003. Succeeds Mary Yewell, resigned.

**Kansas State Historical Society  
Executive Director**

**Mary R. Allman**, Kansas History Center, 6425 S.W. 6th Ave., Topeka, 66615. Serves at the pleasure of the Governor.

**State Board of Indigents' Defense Services**

**Roy Holliday**, 25900 W. 127th St., Olathe, 66061. Term expires January 15, 2005. Succeeds Bruce Beye.

**Northwest Kansas Regional Library System**

**Julie Carter**, HC 1, Box 10, Jennings, 67643. Term expires June 30, 2005. Succeeds Howard Votapka.

**Dorothy Jamison**, Route 2, Box 30, Hoxie, 67740. Term expires June 30, 2005. Succeeds Mildred Baalman.

**Karen Keller**, Route 1, Box 476, St. Francis, 67756. Term expires June 30, 2005. Succeeds Shirley Brethower.

**Raelene Keller**, 3318 US-40, Oakley, 67748. Term expires June 30, 2005. Succeeds William Robinson.

**Nancy D. Saddler**, 8 Cottonwood Drive, Colby, 67701. Term expires June 30, 2005. Reappointed.

**Phoebe L. Stutheit**, Route 1, Box 128, Norton, 67654. Term expires June 30, 2005. Succeeds Sherry Hoover.

**Janet B. Warren**, 950 Centennial Drive, Goodland, 67735. Term expires June 30, 2005. Reappointed.

**Public Employees Relations Board**

**Sally S. O'Grady**, 5956 S.W. 23rd Terrace, Topeka, 66614. Term expires March 15, 2006. Succeeds Floyd Taylor.

**Kansas Technology Enterprise Corporation**

**Douglas C. Brush**, 512 Ross, Downs, 67437. Term expires January 15, 2006. Reappointed.

**David Shulenburg**, 1620 Indiana, Lawrence, 66044. Term expires January 15, 2006. Reappointed.

**University of Kansas Hospital Authority**

Edward J. Chapman, 1315 S. Broadway, Leavenworth, 66048. Term expires March 15, 2005. Reappointed.

Clay D. Edmands, 514 Upper Mill Heights Drive, Salina, 67401. Term expires March 15, 2004. Reappointed.

Dr. George J. Farha, 300 N. Terrace, Wichita, 67208. Term expires March 15, 2006. Reappointed.

Robert W. Honse, 2015 Hogan Drive, Lawrence, 66047. Term expires March 15, 2006. Reappointed.

Eric T. Jager, 3201 W. 69th St., Mission Hills, 66208. Term expires March 15, 2005. Reappointed.

Betty T. Keim, 2212 Drury Lane, Mission Hills, 66208. Term expires March 15, 2004. New position.

Edward Nazar, 6510 E. 29th North, #102, Wichita, 67226. Term expires March 15, 2006. Reappointed.

Mark V. Parkinson, 10590 S. Glenview Lane, Olathe, 66061. Term expires March 15, 2006. New position.

Charles T. Sunderland, 14001 Switzer Road, Overland Park, 66221. Term expires March 15, 2005. Reappointed.

William D. Zollars, 12205 Catalina, Leawood, 66209. Term expires March 15, 2003. New position.

**Kansas Commission on Veterans' Affairs**

Jack E. Walker, LTC USA (RET), 1700 Pine Ridge Drive, Leavenworth, 66048. Term expires June 30, 2006. Reappointed.

Ron Thornburgh  
Secretary of State

Doc. No. 027938

**State of Kansas**

**Department of Health  
and Environment**

**Notice Concerning Kansas  
Water Pollution Control Permits**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

**Public Notice No. KS-AG-02-136/139  
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Dwerlkotte & Sons 1360 22nd Road Beattie, KS 66406 Kansas Permit No. A-BBMS-S030	SW/4 of Section 03, T03S, R09E, Marshall County	Big Blue River Basin

This is an expansion of an existing facility by adding 400 head of swine greater than 55 pounds (160 animal units) to the existing facility of 655 head of swine greater than 55 pounds (262 animal units) and 440 head of swine 55 pounds or less (44 animal units), for a total of 466 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Douglas L. Ebert 13160 Noel Road St. George, KS 66535 Kansas Permit No. A-KSPT-5030	NW/4 of Section 03 and NE/4 of Section 04, T09S, R09E, Pottawatomie County	Kansas River Basin

This is an expansion of an existing facility by adding 30 head of swine greater than 55 pounds (12 animal units) and 300 head of swine 55 pounds or less (30 animal units) to an existing facility of 1,100 head of swine greater than 55 pounds (440 animal units) and 300 head of swine 55 pounds or less (30 animal units) and 100 head of cattle less than 700 pounds (50 animal units), for a total of 562 animal units.

Soil sampling and analysis shall be conducted on soils from manure and wastewater application fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the previous five years. The sampling and analysis shall be conducted at least once during the first three years of each five-year permit cycle if wastes are applied to the field.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
K.R.B. Pork Inc. Robert Rogge 11710 Diamond Circle St. George, KS 66535 Kansas Permit No. A-LRWS-H007	SE/4 of Section 10, T05S, R02E, Washington County	Republican River Basin

Federal Permit No. KS0094956  
This is a permit renewal for an existing facility for 4,000 head (1,600 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Mark Wiebe Dairy Mark Wiebe 421 340th Road Tampa, KS 67483 Kansas Permit No. A-NEMN-M021	NW/4 of Section 22, T17S, R01E, Marion County	Neosho River Basin

This is a permit renewal for an existing facility for a maximum of 100 head of dairy cows [140 animal units (a.u.)], 20 dry cows (20 a.u.) and 20 calves (10 a.u.), for a maximum of 140 head (170 a.u.) of dairy cows.

(continued)

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

### Public Notice No. KS-02-086/090

Name and Address of Applicant	Waterway	Type of Discharge
Inman, City of 104 N. Main Inman, KS 67546	Blaze Fork Creek	Treated Domestic Wastewater
Kansas Permit No. M-LA08-0001      Federal Permit No. KS0080292		
Legal: Center of S9, T21S, R4W, McPherson County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Department of Transportation Bureau of Design Environmental Services Section Docking State Office Bldg., 8th Floor Topeka, KS 66612-1568	Drum Creek via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-VE07-0003      Federal Permit No. KS0095249		
Legal: SW¼, S15, T31S, R17E, Montgomery County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Norton Correctional Facility P.O. Box 546 Norton, KS 67654	Prairie Dog Creek via Robinson Creek	Treated Domestic Wastewater
Kansas Permit No. M-UR16-0002      Federal Permit No. KS0095834		
Legal: W½, SE¼, SW¼, S28, T2S, R23W, Norton County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Udall, City of P.O. Box 629 Udall, KS 67146-0629	Walnut River via Stewart Creek	Treated Domestic Wastewater
Kansas Permit No. M-WA15-0001      Federal Permit No. KS0029131		
Legal: NW¼, SE¼, SW¼, S33, T30S, R3E, Cowley County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required.

The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Walton, City of P.O. Box 108 Walton, KS 67151	Sand Creek via Beaver Creek via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-LA17-0001      Federal Permit No. KS0026140		
Legal: NE¼, NW¼, SW¼, T22S, R2E, Harvey County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

### Public Notice No. KS-ND-02-015/020

Name and Address of Applicant	Legal Location	Type of Discharge
Heartland Park Topeka c/o Jim Tomes 1805 S.W. 71st St. Topeka, KS 66619	SW¼, SE¼, S8, T13S, R16E, Shawnee County	Nonoverflow
Kansas Permit No. C-KS72-NO22		

Facility Location: 7530 S. W. Topeka Blvd., Topeka, KS 66619

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. This wastewater treatment facility is considered a temporary system. This facility shall be properly abandoned and all wastewater transferred to a regional wastewater collection system when such service becomes available. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its permit. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Thomas and Nelda Rolfe 21650 S. Highway 75 Holton, KS 66436	SE¼, NW¼, SW¼, S16, T7S, R15E, Jackson County	Nonoverflow
Kansas Permit No. C-KS23-NO01		

Facility Name: Holton Bowling Center

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its permit. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Holy-Field Vineyard & Winery c/o Lester Meyer (Co-Owner) 18807 158th St. Basehor, KS 66007	SE¼, SE¼, SE¼, S3, T11S, R22E, Leavenworth County	Nonoverflow
Kansas Permit No. C-KS04-NO04		

Facility Location: 18807 158th St., Basehor, KS 66007

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. Included in this permit is a schedule of com-

pliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its permit. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16- 28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Tall Oaks Conference Center P.O. Box 116 Linwood, KS 66052	W½, NE¼, S18, T12S, R22E, Leavenworth County	Nonoverflow

Kansas Permit No. C-KS36-NO01  
Facility Location: 12797 189th St., Linwood, KS 66052

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its permit. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16- 28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Unified School District #387 Altoona-Midway High School Route 1, Box 45-A Buffalo, KS 66717	SE¼, SE¼, NE¼, S28, T27S, R16E, Wilson County	Nonoverflow

Kansas Permit No. M-VE03-NO01

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its permit. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16- 28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Valley Vegetable Co-op P.O. Box 428 Concordia, KS 66901	E½, NE¼, S9, T3S, R4W, Republic County	Nonoverflow with Irrigation

Facility Address: Route 2, Scandia, KS 66966  
Kansas Permit No. I-LR22-NP01

Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment facility treating processed wastewater. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. This facility produces approximately 26,000 gallons per day of waste water from rinsing, steam blanching and re-rinsing of sweet corn. Process equipment and floor wash down, including wastewater from de-icing freezer coils, is accumulated in a 2,000 gallon tank located on the west site of the corn processing building. Two to five gallons per day of boiler blowdown also is discharged to a floor drain leading to the accumulation tank. Wastewater from the accumulation tank is pumped into two 40,000 gallon tanks before being transferred to the deep furrow irrigation system pipeline. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Glenda Newquist for agricultural permits or

applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before July 6 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-136/139, KS-02-086/090, KS-ND-015/020) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720, (620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028009

(Published in the Kansas Register June 6, 2002.)

**Notice of Partial Redemption  
to the Holders of  
Dighton, Kansas Housing Authority  
First Mortgage Revenue Bonds  
Assisted Housing Project Series 1978  
Dated 7/1/1978**

Notice is hereby given pursuant to the applicable provisions of the governing documents of the above captioned bonds, that the herein described bonds are called for redemption prior to their maturity and will be redeemed on July 1, 2002 (the redemption date). Redemption will be made by payment of the principal amount of each such bond, together with interest accrued to the redemption date plus applicable premium, if any. From and after July 1, 2002, interest on the bonds shall cease to accrue, and any lien or interest in or to any pledge of security or collateral for the bonds hereby called also shall cease and become null on the redemption date.

The following bonds will be redeemed and paid upon presentation to the office(s) shown below.

\*CUSIP Number: 253757AA6, 7.60%, Due: 07/01/08,  
Redemption Price: 100%

Principal Amount of Redemption: \$25,000

Bearer Bonds called in the amount of \$5,000 each:

87 89 108 111 118

Payment of the bonds called for redemption will be made upon presentation and surrender of said bonds. In the case of any registered bonds to be redeemed in part only, upon presentation of such bond for redemption, there will be issued in lieu of the unredeemed principal portion a new bond(s) equal to such unredeemed portion.

Called bonds should be presented as follows:

**By U.S. Mail:**

The Commerce Trust Company  
c/o Bank One Trust Company, NA  
Global Corporate Trust Operations  
1 Bank One Plaza  
Mail Code IL1 - 0134  
Chicago, IL 60670-0134

**By Overnight or Courier Deliver:**

The Commerce Trust Company  
c/o Bank One Trust Company, NA  
Global Corporate Trust Operations  
One N. State St.  
Securities Teller Window - 9th Floor  
Chicago, IL 60602

Registered or certified insured mail is suggested when submitting bonds for payment.

When inquiring about this redemption, please have the bond number available. Please inform the customer service representative of the CUSIP number(s) of the affected bonds (Customer Service, 1-800-346-5153).

Federal law requires the payor to withhold at the current rate of withholding from the payment if a certified taxpayer (Social Security) number is not provided. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your securities.

\*The issuer and trustee shall not be responsible for the use of the CUSIP number(s) selected, nor is any representation made as to their correctness indicated in the notice

or as printed on any bond. They are included solely for the convenience of the holders.

Dated May 31, 2002.

By: The Commerce Trust Company  
A Division of Commerce Bank, N.A.  
as Trustee

Doc. No. 027999

(Published in the Kansas Register June 6, 2002.)

**Corrected Summary Notice of Bond Sale  
Unified School District No. 487  
Dickinson County, Kansas (Herington)  
\$200,000**

**General Obligation School Bonds, Series 2002-A**

(General obligation bonds payable from  
unlimited ad valorem taxes)

**Bids**

Subject to the notice of bond sale dated May 13, 2002, written bids will be received by the clerk of Unified School District No. 487, Dickinson County, Kansas (Herington) (the issuer), on behalf of the governing body at the office of the Board of Education, 19 N. Broadway, Herington, KS 67449, until 2 p.m. June 10, 2002, for the purchase of \$200,000 principal amount of General Obligation School Bonds, Series 2002-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 15, 2002, and will become due on September 1 in the years as follows:

Year	Principal Amount
2003	\$35,000
2004	40,000
2005	40,000
2006	40,000
2007	45,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2003.

**Book-Entry-Only System**

The bonds will be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$4,000 (2 percent of the principal amount of the bonds).



**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 25, 2002, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$15,988,025. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$200,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk, (785) 258-2263, fax (785) 258-2982; or from the financial advisor, George K. Baum & Company, 435 Nichols Road, Suite 200, Kansas City, MO 64112, Attention: David Arteberry or Kyle Patino, 1-800-821-7195, fax (816) 283-5326.

Dated May 13, 2002.

Unified School District 487  
Dickinson County, Kansas (Herington)

Doc. No. 028004

(Published in the Kansas Register June 6, 2002.)

**Summary Notice of Bond Sale  
City of De Soto, Kansas  
\$2,500,000**

**General Obligation Bonds, Series 2002B  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated June 3, 2002, bids will be received by the city clerk of the City of De Soto, Kansas, on behalf of the governing body at 32905 W. 84th St., De Soto, Kansas, until 11 a.m. June 20, 2002, for the purchase of \$2,500,000 principal amount of General Obligation Bonds, Series 2002B. No bid of less than the entire par value of the bonds, except a discount of not greater than .625 percent of the par value of the bonds, and accrued interest to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated July 1, 2002, and will become due September 1 in the years as follows:

Maturity September 1	Principal Amount
2002	\$ 45,000
2003	225,000

2004	155,000
2005	160,000
2006	185,000
2007	205,000
2008	240,000
2009	265,000
2010	300,000
2011	340,000
2012	380,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning September 1, 2002.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$50,000 (2 percent of the principal amount of the bonds).

**Delivery**

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 11, 2002, at the offices of the Depository Trust Company, New York, New York.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$41,600,921. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$6,660,000. Temporary notes in the amount of \$230,000 will be paid from the proceeds of the bonds.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Logan Riley Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (913) 583-1182; from the city's financial advisor, Kirkpatrick Pettis, Kansas City, Missouri, Attention Marty Nohe, (816) 360-2270; or from bond counsel, Logan Riley Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated June 29, 2002.

City of De Soto, Kansas  
By Lana McPherson  
City Clerk  
City Hall  
32905 W. 84th St.  
De Soto, KS 66018

Doc. No. 028005

(Published in the Kansas Register June 6, 2002.)

**Summary Notice of Bond Sale**

City of Winfield, Kansas

\$685,000

**General Obligation Bonds, Series 2002-A**

(General obligation bonds payable from unlimited ad valorem taxes)

**Bids**

Subject to the notice of bond sale dated June 3, 2002, sealed, facsimile and electronic bids will be received by the director of finance of the City of Winfield, Kansas (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at City Hall, 200 E. 9th, Winfield, KS 67156-0646, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 2 p.m. June 17, 2002, for the purchase of \$685,000 principal amount of General Obligation Bonds, Series 2002-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated July 1, 2002, and will become due on September 1 in the years as follows:

Year	Principal Amount
2003	\$55,000
2004	60,000
2005	65,000
2006	65,000
2007	65,000
2008	70,000
2009	70,000
2010	75,000
2011	80,000
2012	80,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2003.

**Book-Entry-Only System**

The bonds will be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas,

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$13,700 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about

July 3, 2002, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$63,591,303. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$8,870,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from Diane Rosecrans, director of finance, (620) 221-5500, fax (620) 221-5593, e-mail drosecrans@winfieldks.org; or from the financial advisor, George K. Baum & Company, Kansas City, Missouri, (816) 821-7195, fax (816) 283-5326, Attention: David Arteberry, (816) 283-5137, e-mail arteberry@gkbaum.com, or Kyle Patino, (816) 283-5156, e-mail patino@gkbaum.com.

Dated June 3, 2002.

City of Winfield, Kansas

Doc. No. 027998

**State of Kansas****Department on Aging****Notice of Hearing on Proposed Administrative Regulations**

A public hearing will be conducted at 10 a.m. Monday, August 5, in Room 3-West of the New England Building, 503 S. Kansas Ave., Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Kansas Department on Aging.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Christy Lane, Policy Analyst, Kansas Department on Aging, 503 S. Kansas Ave., Topeka, 66603.

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request the proposed regulations and economic impact statements in an accessible format and may request accommodation in order to participate in the public hearing. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Christy Lane at (785) 368-7331 or TTY (785) 291-3167. Handicapped parking is located on the east side of the New England Building, directly in front of the building's entrance on Kansas

Avenue, which is accessible to individuals with disabilities.

A summary of the proposed changes to the Kansas senior pharmacy assistance program and senior care act program regulations and their economic impact follows. These regulations are proposed for adoption on a permanent basis.

**K.A.R. 26-11-1** establishes the eligibility criteria of the Kansas senior pharmacy assistance program, **K.A.R. 26-11-2** establishes the benefit limitations for the program, and **K.A.R. 26-11-3** prioritizes the funding of the program. Other than the costs associated with the adoption of these regulations, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-1** contains definitions of terms used in article 8. Several definitions are revised so that they will be consistent with those contained in the uniform assessment instrument and **K.A.R. 30-5-300**. Definitions of terms that are no longer used in article 8 have been deleted. A definition of liquid assets has been added. Other than the costs associated with the adoption of this regulation, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-2** contains the eligibility criteria of the senior care act program. The criteria were revised to be consistent with current home- and community-based services for the frail elderly program level of care criteria, and to allow certain senior care act and income eligible customers on the program to be grandfathered. There will be an unknown economic impact on individuals that would have previously been eligible under the old criteria, as they now must have a higher need or level of care score to be eligible. These individuals must now use their own income and liquid assets to pay for a portion of the services, or go without services.

**K.A.R. 26-8-3** revokes the priority of services regulation for the senior care act program. Other than the costs associated with the adoption of this regulation, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-5** contains the assessment requirements of the senior care act program. The proposed changes to this regulation are required to update the regulation so that it is consistent with current practice. Other than the costs associated with the adoption of this regulation, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-6** revokes the regulation that contains the level of payments to providers for the senior care act program since the program's provider payments also are covered by **K.A.R. 26-3-1** through **26-3-7**. Other than the costs associated with the adoption of this regulation, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-7** establishes the maximum expenditures per customer that will be paid by the state and establishes how customer fees are determined. Excluding assessment and case management from the expenditure cap may cost the department slightly more per customer each month. There will be minimal, additional costs to the department and area agencies on aging to train assessors on how to

determine the value of liquid assets and how to apply those amounts to the sliding fee scale.

**K.A.R. 26-8-8** revises the reasons for termination from the senior care act program so they are consistent with those used in the department's policy manual. Other than the costs associated with the adoption of this regulation, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-9** revokes the regulation that contains the request for hearing requirements for the senior care act program because it was duplicative of **K.A.R. 26-4-1 et seq.**, which also governs the program. Other than the costs associated with the adoption of this regulation, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-12** revokes the regulation that contained the reporting requirements for the senior care act program since it duplicates requirement contained in **K.A.R. 26-3-1**. Other than the costs associated with the adoption of this regulation, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-13** revokes the regulation that contains the targeting criteria since services will no longer be targeted to certain individuals. Other than the costs associated with the adoption of this regulation, an economic impact on the department and other entities is not anticipated.

**K.A.R. 26-8-14** revokes the regulation that contains the requirements for the costs for administration, start-up costs and evaluation. This section is being revoked because the costs for administration will be negotiated in contract, and the evaluation and start-up costs are no longer issues.

**K.A.R. 26-8-15** establishes the match ratios and requirements for funds described in **K.S.A. 75-5929**, as amended by **2002 HB 2764**, Section 2(a)(2) and (3). **K.A.R. 26-8-15(b)** gives local units of government that did not previously provide match for services the opportunity to receive matching funds from the state. Area agencies on aging that have not matched state funds exclusively with ad valorem funds will have to raise new funds to maintain the level of service in their areas. In the state fiscal year 2003, it is estimated that \$104,097 of existing matching funds will be maintained, while \$228,110 in new funds will be provided as match. The total estimated matching funds in state fiscal year 2003 is \$332,207. The area agencies on aging may have a minimal increase in administrative expenses related to the collecting and tracking of matching funds information.

Copies of the regulations and their economic impact statements may be obtained by contacting Christy Lane at the address and phone numbers above or by e-mail at [christyl@aging.state.ks.us](mailto:christyl@aging.state.ks.us).

Connie Hubbell  
Secretary of Aging

Doc. No. 028002

State of Kansas

Department of Administration  
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call: (785) 296-2377 for additional information:

Monday, June 17, 2002

05049

University of Kansas—Medium Duty Truck

Tuesday, June 18, 2002

05005

Lansing Correctional Facility and Ellsworth Correctional Facility—Painting Supplies (Brushes and Rollers)

05058

Kansas Highway Patrol—Fleet Operations, Lawn Care Services

05059

University of Kansas—Furnish and Install Carpet

05061

Department of Wildlife and Parks—Tractor Powered Rotary and Sickle Mowers, Various Locations

05084

Department of Transportation and Statewide—Rock Salt for Ice and Snow Removal

Wednesday, June 19, 2002

A-9085 Rev.

Topeka Juvenile Correctional Facility—Replace Hot Water Heating System, Hot and Cold Water Piping and Replace Steam and Condensate Return Piping, Maintenance Building

A-9339

Topeka Juvenile Correctional Facility—Replace Meters and Recorders, Repair Refractory in Boilers 1 and 2, Main Power Plant

Tuesday, June 25, 2002

A-9443

Pittsburg State University—Bicknell Baseball Field Lighting

05057

Statewide—Automotive Supplies

Wednesday, June 26, 2002

04952

Fort Hays State University—Furnish Laundry Equipment for Student Housing

Thursday, June 27, 2002

A-8894

Department of Wildlife and Parks—Clark State Fishing Lake Dame Renovation, Clark County

A-9289

Department of Transportation—Reroof Sub Area Shop, Syracuse

A-9362

Wichita State University—Repair/Replace Steps, Wallace Hall

Tuesday, July 2, 2002

A-8865

Department of Human Resources—Remodel 401 Topeka Boulevard

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Request for Proposals

Tuesday, June 18, 2002

05033

Legal Services for the State Board of Regents

Wednesday, June 19, 2002

05093

Rest Area Maintenance for the Kansas Department of Transportation, Ruleton

John T. Houlihan  
Director of Purchases

Doc. No. 028010

State of Kansas

Department of Human Resources  
Division of Workers Compensation

Permanent Administrative  
Regulations

Article 2.—FEES

**51-2-6. Interpreters and interpreters' fees.** A qualified interpreter shall be appointed for each person whose primary language is one other than English or who is deaf, hard-of-hearing, or speech-impaired, for all hearings before an administrative law judge or the workers compensation board. A reasonable fee for the services of the interpreter shall be determined and fixed by the administrative law judge or the workers compensation board. The fee shall be paid by the respondent and shall not be assessed against the person whose primary language is one other than English or who is deaf, hard-of-hearing, or speech-impaired. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-523, 44-534a, 44-551 as amended by L. 2001, ch. 121, sec. 4; effective June 21, 2002.)

Article 3.—TERMINATION OF  
COMPENSABLE CASES

**51-3-1. Methods of termination.** Compensable cases shall be determined and terminated by only five procedures under the act:

- (a) By filing a final receipt and release of liability pursuant to K.S.A. 44-527 and amendments thereto;
- (b) by hearing and written award;
- (c) by joint petition and stipulation subject to K.A.R. 51-3-16;

(d) by settlement hearing before an administrative law judge; or

(e) by voluntary dismissal by the parties. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-521, 44-523; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended May 22, 1998; amended June 21, 2002.)

**51-3-2. Final receipt and release of liability.** A final receipt and release of liability shall cover all compensation paid and shall not be taken until the disability has terminated, or in case of permanent partial disability, until a final determination of the percentage of that permanent partial disability can be definitely ascertained. No compromise settlements shall be made on a final receipt and release of liability. The physician's report or reports accompanying the final receipt and release of liability shall conform to the amount paid for the disability except when the rating is an average of the ratings expressed by the doctors.

Dates and figures required shall be specific and accurate, and only in exceptional instances where explanation is necessary may insertions or additions be made.

The final receipt and release of liability shall be signed by the claimant, and the signature shall be notarized. The final receipt and release of liability form shall be accompanied by a physician's final report and by an accident report if the report has not already been filed with the division of workers compensation. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-527; effective Jan. 1, 1966; amended Jan. 1, 1973; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended June 21, 2002.)

**51-3-3. Disapproving final receipt and release of liability.** A final receipt and release of liability shall be disapproved by the director unless it meets the following requirements:

(a) The form shall be filled out completely.

(b) The form shall be accompanied by a physician's report, and the substance of the report shall conform to the information contained in the final receipt and release of liability.

(c) The form shall show that compensation has been paid in conformity with the requirements of the act.

(d) The form shall be filed within 60 days of execution.

(e) The form shall be executed within 60 days of the last payment of compensation.

(f) The form shall have the notarized signature of the claimant. (Authorized by K.S.A. 44-573, 44-5a21; implementing K.S.A. 44-527; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1980; amended June 21, 2002.)

**51-3-4. Setting aside final receipt and release of liability.** To commence a proceeding to set aside a final receipt and release of liability, the party requesting the proceeding shall file with the director an application containing all necessary facts, together with an application for hearing, in the same manner as the procedure required for a claim to determine compensation.

The test to determine if the final receipt and release of liability should be set aside shall be whether it provides compensation for the injuries sustained in the accident or the disability from occupational disease for which the claim was made. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-527; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended June 21, 2002.)

#### Article 9.—MEDICAL AND HOSPITAL

**51-9-12 through 51-9-14.** (Authorized by K.S.A. 44-573 and K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; implementing K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; effective May 22, 1998; revoked June 21, 2002.)

#### Article 10.—DEATH CASES

**51-10-6.** (Authorized by K.S.A. 44-573; implementing K.S.A. 44-509, 44-513a; effective Jan. 1, 1966; amended Jan. 1, 1973; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended May 22, 1998; revoked June 21, 2002.)

#### Article 17.—TIME, COMPUTATION AND EXTENSION

**51-17-1.** (Authorized by K.S.A. 60-206, K.S.A. 1972 Supp. 44-573; effective Jan. 1, 1966; amended Jan. 1, 1973; revoked June 21, 2002.)

#### Article 24.—REHABILITATION

**51-24-1. Vocational rehabilitation.** (a) Each insurance carrier and employer shall furnish to the selected vocational rehabilitation vendor, or at the administrator's request, to the rehabilitation administrator, any medical reports that may be necessary to make an effective vocational rehabilitation determination.

(b) The rehabilitation administrator shall be the coordinator between the parties seeking a vocational assessment and the state or federal vocational rehabilitation agency or a qualified private agency. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g; effective May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended March 30, 1992; amended May 22, 1998; amended June 21, 2002.)

**51-24-3. Definitions.** As used in K.A.R. 51-24-1 through 51-24-10, the following definitions shall apply: (a) "Director" means the director of the Kansas division of workers compensation.

(b) "Job placement specialist" means a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(c) and who has received a certification of qualification from the director.

(c) "Office" means a place in which business, professional, or clerical activities are conducted. An office may be part of a home if both of the following conditions are met:

(continued)

(1) A portion of the home is regularly and exclusively used only for business.

(2) The home is the principal place for the administrative or management activities of the business or is the principal place for the vendor to meet or deal with patients, clients, or customers in the normal course of business.

(d) "Training facility" means a private agency, facility, or employer rehabilitation service program that has filed with the director the necessary evidence for the director to deem that agency, facility, or employer rehabilitation service program qualified to perform rehabilitation education or training.

(e) "Vendor" means a vocational rehabilitation facility, institution, agency, or employer program pursuant to K.S.A. 44-510g and amendments thereto.

(f) "Vocational rehabilitation counselor" and "counselor" mean a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(a) and who has received a certification of qualification from the director.

(g) "Vocational rehabilitation evaluator" and "evaluator" mean a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(b) and who has received a certification of qualification from the director. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g; effective, T-88-20, July 1, 1987; effective May 1, 1988; amended June 21, 2002.)

**51-24-4. Qualifications and duties of a vendor.** For vocational rehabilitation cases under the Kansas workers compensation act, each person, firm, or corporation proposing to qualify as a vendor shall file an application with the director. The application shall be updated if changes occur that could affect the standing of the applicant to become or remain qualified. Each application shall include the following: (a) A statement that the person, firm, or corporation will maintain an office in the state of Kansas or in the metropolitan Kansas City area capable of responding to written or telephone inquiries regarding cases referred to that vendor;

(b) the addresses and telephone numbers of the offices within and without the state of Kansas from which vocational rehabilitation services will be performed for cases under the Kansas workers compensation act;

(c) a listing of each person employed to perform services as a medical manager, counselor, evaluator, or job placement specialist for cases referred to that vendor and an indication of each person's discipline;

(d) a statement that the person, firm, or corporation will employ or contract with one or more persons qualified to perform work as a medical manager, counselor, evaluator, or job placement specialist as necessary to carry out the purpose of the referral;

(e) a statement that the person, firm, or corporation will be responsible for the appropriateness and timeliness of service delivery by each medical manager, counselor, evaluator, and job placement specialist employed or under contract to carry out the purpose of the referral;

(f) a statement indicating whether the person, firm, or corporation wants to be included in the list of vendors qualified and requesting to receive referrals from employers or the director;

(g) a statement that the person, firm, or corporation will report, in a form prescribed by the director, to the vocational rehabilitation administrator each referral received from an employer or insurance carrier and the date of the referral;

(h) a statement that the person, firm, or corporation will report upon the status of each evaluation 30 days after the referral and report upon the status of the evaluation and plan on each occasion upon which changes occur that affect the evaluation or plan. These reports shall be in a form prescribed by the director;

(i) a statement that the person, firm, or corporation will provide copies of all vocational assessments, plans, and progress reports to all parties involved, including attorneys for the claimant and respondent if it is a litigated case;

(j) a statement that the person, firm, or corporation will provide objective and impartial assessments of the injured worker's need for rehabilitation services;

(k) a statement that the person, firm, or corporation acknowledges that the authorization by the director to provide vocational rehabilitation services pursuant to the Kansas workers compensation act and regulations may be suspended or revoked for failure to comply with regulations adopted by the director; and

(l) a statement that the person, firm, or corporation will adhere to the fee schedule pursuant to K.S.A. 44-510i, and amendments thereto. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g; effective, T-88-20, July 1, 1987; effective May 1, 1988; amended Nov. 27, 1989; amended March 30, 1992; amended June 21, 2002.)

Richard E. Beyer  
Secretary of Human Resources

Doc. No. 028008

State of Kansas

Secretary of State

Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register June 6, 2002.)

HOUSE BILL No. 2896

AN ACT concerning the Kansas sports hall of fame; relating to funding therefor.

Be it enacted by the Legislature of the State of Kansas:

Section. 1. (a) Notwithstanding the provisions of K.S.A. 74-5074, and amendments thereto, on July 1, 2002, or as soon thereafter as moneys are available, the secretary of commerce and housing is authorized and directed to loan to the director of the Kansas sports hall of fame \$100,000 from the Kansas export loan guarantee fund. The director of the Kansas sports hall of fame is authorized and directed to use any moneys in the Kansas sports hall of fame surcharge fund to provide for the ongoing expenses of the Kansas sports hall of fame. Such loan shall not bear interest. 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.

(b) Upon certification by the secretary of commerce and housing and by the director of the Kansas sports hall of fame, the director of accounts and reports shall transfer such amount from the Kansas export loan guarantee fund to the Kansas sports hall of fame surcharge fund.

(c) The loan authorized pursuant to subsection (a) shall be repaid in one payment payable on or before June 30, 2003, of \$50,000, and one payment payable on or before June 30, 2004 of \$50,000.

(d) The state of Kansas sports hall of fame board of trustees, in consultation with postsecondary educational institutions and the accredited independent institutions, shall develop and implement a voluntary plan to have such institutions participate in the raising of funds for the Kansas sports hall of fame.

(e) Quarterly, during fiscal year 2003 and 2004, the state of Kansas sports hall of fame board of trustees shall submit a report to the chairperson of the legislative budget committee concerning the progress and provisions of this act when the legislature is not in session and the chairperson of the committee on appropriations of the house of representatives and the chairperson of the committee on ways and means of the senate when the legislature is in session.

(f) "Postsecondary educational institution" means Kansas state university, the university of Kansas, Wichita state university, Emporia state university, Fort Hays state university, Pittsburg state university, Washburn university and any community college.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register June 6, 2002.)

#### HOUSE Substitute for Substitute for SENATE BILL No. 422

AN ACT concerning the department of social and rehabilitation services; relating to prescription drugs under the state medicaid program; providing for a state medicaid preferred drug formulary and an advisory committee therefor; medicaid drug utilization review board duties, procedures and composition; amending K.S.A. 39-7,118, 39-7,119 and 39-7,120 and K.S.A. 2001 Supp. 77-421 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) The secretary of social and rehabilitation services may establish an advisory committee pursuant to K.S.A. 75-5313, and amendments thereto, to advise the secretary in the development of a preferred formulary listing of covered drugs by the state medicaid program.

(b) The secretary of social and rehabilitation services shall evaluate drugs and drug classes for inclusion in the state medicaid preferred drug formulary based on safety, effectiveness and clinical outcomes of such treatments. In addition, the secretary shall evaluate drugs and drug classes to determine whether inclusion of such drugs or drug classes in a starter dose program would be clinically efficacious and cost effective. If the factors of safety, effectiveness and clinical outcomes among drugs being considered in the same class indicate no therapeutic advantage, then the secretary shall consider the cost effectiveness and the net economic impact of such drugs in making recommendations for inclusion in the state medicaid preferred drug formulary. Drugs which do not have a significant, clinically meaningful therapeutic advantage in terms of safety, effectiveness or clinical outcomes over other drugs in the same class which have been selected for the preferred drug formulary may be excluded from the preferred drug formulary and may be subject to prior authorization in accordance with state and federal law, except, prior to July 1, 2003, where a prescriber has personally written "dispense as written" or "D.A.W.", or has signed the prescriber's name on the "dispense as written" signature line in accordance with K.S.A. 65-1637, and amendments thereto.

(c) The secretary of social and rehabilitation services shall consider the net economic impact of drugs selected or excluded from the preferred formulary and may gather information on the costs of specific drugs, rebates or discounts pursuant to 42 U.S.C. 1396r-8, dispensing costs, dosing requirements and utilization of other drugs or other medicaid health care services.

(d) The secretary of social and rehabilitation services may accept all services, including, but not limited to, disease state management, associated with the delivery of pharmacy benefits under the state medicaid

program having a determinable cost effect in addition to the medicaid prescription drug rebates required pursuant to 42 U.S.C. section 1396r-8.

(e) The state medicaid preferred drug formulary shall be submitted to the medicaid drug utilization review board for review and policy recommendations.

New Sec. 2. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, depression or bipolar disorder may be imposed on medicaid recipients. Medications that will be available under the state medicaid plan without restriction for persons with mental illnesses shall include atypical antipsychotic medications, conventional antipsychotic medications and other medications used for the treatment of mental illnesses.

New Sec. 3. A prescription medication prescribed for a medicaid recipient or a person who becomes eligible for medicaid assistance shall not be subject to any requirement for prior authorization under the state medicaid plan unless (a) such prescription, including all authorized refills, has expired, or (b) the practitioner who prescribed the medication for such recipient prescribes a different medication.

New Sec. 4. (a) The state medicaid plan shall include provisions for a program of differential dispensing fees for pharmacies that provide prescriptions for adult care homes under a unit dose system in accordance with rules and regulations of the state board of pharmacy and that participate in the return of unused medications program under the state medicaid plan.

(b) The state medicaid plan shall include provisions for differential ingredient cost reimbursement of generic and brand name pharmaceuticals. The secretary of social and rehabilitation services shall set the rates for differential cost reimbursement of generic and brand name pharmaceuticals by rules and regulations.

New Sec. 5. (a) Except where a prescriber has personally written "dispense as written" or "D.A.W.", or has signed the prescriber's name on the "dispense as written" signature line in accordance with K.S.A. 65-1637 and amendments thereto, the secretary of social and rehabilitation services may limit reimbursement for a prescription under the medicaid program to the multisource generic equivalent drug.

(b) No pharmacist participating in the medical assistance program shall be required to dispense a prescription-only drug that will not be reimbursed by the medical assistance program.

Sec. 6. K.S.A. 39-7,118 is hereby amended to read as follows: 39-7,118. The secretary of social and rehabilitation services shall implement a drug utilization review program with the assistance of a medicaid drug utilization review board as provided in K.S.A. 39-7,119 and amendments thereto to assure the appropriate utilization of drugs by patients receiving medical assistance under the medicaid program. The drug utilization review program shall include:

(a) Monitoring of prescription information including overutilization and underutilization of prescription-only drugs;

(b) making periodic reports of findings and recommendations to the secretary of social and rehabilitation services and the United States department of health and human services regarding the activities of the board, drug utilization review programs, summary of interventions, assessments of education interventions and drug utilization review cost estimates;

(c) providing for prospective and retrospective drug utilization review, as specified in the federal omnibus budget reconciliation act of 1990 (public law 101-508);

(d) monitoring provider and recipient compliance with program objectives;

(e) providing educational information on state program objectives, directly or by contract, to private and public sector health care providers to improve prescribing and dispensing practices;

(f) reviewing the increasing costs of purchasing prescription drugs and making recommendations on cost containment; and

(g) reviewing profiles of medicaid beneficiaries who have multiple prescriptions above a level specified by the board; and

(h) recommending any modifications or changes to the medicaid prescription drug program.

Sec. 7. K.S.A. 39-7,119 is hereby amended to read as follows: 39-7,119. (a) There is hereby created the medicaid drug utilization review board which shall be responsible for the implementation of retrospective

(continued)

and prospective drug utilization programs under the Kansas medicaid program.

(b) *Except as provided in subsection (i), the board shall consist of at least seven members appointed as follows:*

(1) Two licensed physicians actively engaged in the practice of medicine, nominated by the Kansas medical society and appointed by the secretary of social and rehabilitation services from a list of four nominees;

(2) one licensed physician actively engaged in the practice of osteopathic medicine, nominated by the Kansas association of osteopathic medicine and appointed by the secretary of social and rehabilitation services from a list of four nominees;

(3) two licensed pharmacists actively engaged in the practice of pharmacy, nominated by the Kansas pharmacy association and appointed by the secretary of social and rehabilitation services from a list of four nominees;

(4) one person licensed as a pharmacist and actively engaged in academic pharmacy, appointed by the secretary of social and rehabilitation services from a list of four nominees provided by the university of Kansas; and

(5) one licensed professional nurse actively engaged in long-term care nursing, nominated by the Kansas state nurses association and appointed by the secretary of social and rehabilitation services from a list of four nominees.

(c) The secretary of social and rehabilitation services may add two additional members so long as no class of professional representatives exceeds 51% of the membership.

(d) The physician and pharmacist members shall have expertise in the clinically appropriate prescribing and dispensing of outpatient drugs.

(e) ~~The appointments to the board shall be for terms of three years; except that for the initial appointments to the board one physician and one pharmacist, as designated by the secretary of social and rehabilitation services, shall be appointed for two years. Thereafter, all appointments shall be for three years. In making the appointments, the secretary of social and rehabilitation services shall provide for geographic balance in the representation on the board to the extent possible. Subject to the provisions of subsection (i), members may be reappointed.~~

(f) The board shall elect a chairperson from among board members who shall serve a one-year term. The chairperson may serve consecutive terms.

(g) The board, in accordance with K.S.A. 75-4319 and amendments thereto, may recess for a closed or executive meeting when it is considering matters relating to identifiable patients or providers.

(h) *All actions of the medicaid drug utilization review board shall be upon the affirmative vote of five members of the board and the vote of each member present when action was taken shall be recorded by roll call vote.*

(i) *Upon the expiration of the term of office of any member of the medicaid drug utilization review board on or after the effective date of this act and in any case of a vacancy existing in the membership position of any of member of the medicaid drug utilization review board on or after the effective date of this act, a successor shall be appointed by the secretary of social and rehabilitation services so that as the terms of members expire, or vacancies occur, members are appointed and the composition of the board is changed in accordance with the following and such appointment shall be made by the secretary in the following order of priority:*

(1) *One member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a hospital and who is nominated by the Kansas hospital association and appointed by the secretary from a list of two or more nominees;*

(2) *one member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a licensed adult care home and who is nominated by the state board of pharmacy and appointed by the secretary from a list of two or more nominees;*

(3) *one member shall be a licensed physician who is actively engaged in the general practice of allopathic medicine and who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the secretary from a list of two or more nominees;*

(4) *one member shall be a licensed physician who is actively engaged in mental health practice providing care and treatment to persons with mental illness, who has practice experience with the state medicaid plan*

*and who is nominated by the Kansas psychiatric society and appointed by the secretary from a list of two or more nominees;*

(5) *one member shall be a licensed physician who is the medical director of a nursing facility, who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the secretary from a list of two or more nominees;*

(6) *one member shall be a licensed physician who is actively engaged in the general practice of osteopathic medicine, who has practice experience with the state medicaid plan and who is nominated by the Kansas association of osteopathic medicine and who is appointed by the secretary from a list of two or more nominees;*

(7) *one member shall be a licensed pharmacist who is actively engaged in retail pharmacy, who has practice experience with the state medicaid plan and who is nominated by the state board of pharmacy and appointed by the secretary from a list of two or more nominees;*

(8) *one member shall be a licensed pharmacist who is actively engaged in or who has experience in research pharmacy and who is nominated jointly by the Kansas task force for the pharmaceutical research and manufacturers association and the university of Kansas and appointed by the secretary from a list of two or more jointly nominated persons; and*

(9) *one member shall be a licensed advanced registered nurse practitioner or physician assistant actively engaged in the practice of providing the health care and treatment services such person is licensed to perform, who has practice experience with the state medicaid plan and who is nominated jointly by the Kansas state nurses' association and the Kansas academy of physician assistants and appointed by the secretary from a list of two or more jointly nominated persons.*

Sec. 8. K.S.A. 39-7,120 is hereby amended to read as follows: 39-7,120. (a) ~~The department secretary of social and rehabilitation services shall not restrict patient access to prescription-only drugs pursuant to a program of prior authorization or a restrictive formulary except by rules and regulations adopted in accordance with K.S.A. 77-415 et seq., and amendments thereto. Prior to the promulgation of any such rules and regulations, the department secretary of social and rehabilitation services shall submit such proposed rules and regulations to the medicaid drug utilization review board for written comment. The secretary of social and rehabilitation services may not implement permanent prior authorization until 30 days after receipt of comments by the drug utilization review board.~~

(b) *When considering recommendations from the medicaid drug utilization review board regarding the prior authorization of a drug, the secretary of social and rehabilitation services shall consider the net economic impact of such prior authorization, including, but not limited to, the costs of specific drugs, rebates or discounts pursuant to 42 U.S.C. 1396r-8, dispensing costs, dosing requirements and utilization of other drugs or other medicaid health care services which may be related to the prior authorization of such drug.*

Sec. 9. K.S.A. 2001 Supp. 77-421 is hereby amended to read as follows: 77-421. (a) (1) ~~Except as provided by subsection (a)(2) or subsection (a)(3), prior to the adoption of any permanent rule and regulation or any temporary rule and regulation which is required to be adopted as a temporary rule and regulation in order to comply with the requirements of the statute authorizing the same and after any such rule and regulation has been approved by the secretary of administration and the attorney general, the adopting state agency shall give at least 60 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations established by K.S.A. 77-436, and amendments thereto. The notice shall be mailed to the secretary of state and to the chairperson of the joint committee and shall be published in the Kansas register. A complete copy of all proposed rules and regulations and the complete economic impact statement required by K.S.A. 77-416, and amendments thereto, shall accompany the notice sent to the secretary of state. The notice shall contain:~~ (A) A summary of the substance of the proposed rules and regulations; (B) a summary of the economic impact statement indicating the estimated economic impact on governmental agencies or units, persons subject to the proposed rules and regulations and the general public; (C) a summary of the environmental benefit statement, if applicable, indicating the need for the proposed rules and regulations; (D) the address where a complete copy of the proposed rules and regulations, the complete economic impact statement, the environmental benefit statement, if applicable, required by K.S.A. 77-416, and amendments thereto, may be obtained; (E)



the time and place of the public hearing to be held; the manner in which interested parties may present their views; and (F) a specific statement that the period of 60 days' notice constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations and the address where such comments may be submitted to the state agency. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rules and regulations.

(2) Prior to adopting any rule and regulation which establishes seasons and fixes bag, creel, possession, size or length limits for the taking or possession of wildlife and after such rule and regulation has been approved by the secretary of administration and the attorney general, the secretary of the department of wildlife and parks shall give at least 30 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

(3) Prior to adopting any rule and regulation which establishes any permanent prior authorization on a prescription-only drug pursuant to K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or reimbursement for pharmaceuticals under the pharmacy program of the state Medicaid plan, and after such rule and regulation has been approved by the secretary of administration and the attorney general, the secretary of social and rehabilitation services shall give at least 30 days' notice of such secretary's intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

(b) On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation, either orally or in writing. When requested to do so, the state agency shall prepare a concise statement of the principal reasons for adopting the rule and regulation or amendment thereto. Whenever a state agency is required by any other statute to give notice and hold a hearing before adopting, amending, reviving or revoking a rule and regulation, the state agency, in lieu of following the requirements or statutory procedure set out in such other law, may give notice and hold hearings on proposed rules and regulations in the manner prescribed by this section. Notwithstanding the other provisions of this section, the Kansas parole board and the secretary of corrections, may give notice or an opportunity to be heard to any inmate in the custody of the secretary of corrections with regard to the adoption of any rule and regulation, but the secretary shall not be required to give such notice or opportunity.

(c) When, pursuant to this or any other statute, a state agency holds a hearing on the adoption of a proposed rule and regulation, the agency shall cause written minutes or other records, including a record maintained on sound recording tape or on any electronically accessed media or any combination of written or electronically accessed media records of the hearing to be made. If the proposed rule and regulation is adopted and becomes effective, the state agency shall maintain, for not less than three years after its effective date, such minutes or other records, together with a list of all persons who appeared at the hearing and who they represented, any written testimony presented at the hearing and any written comments submitted during the public comment period.

(d) No rule and regulation shall be adopted by a board, commission, authority or other similar body except at a meeting which is open to the public and notwithstanding any other provision of law to the contrary, no rule and regulation shall be adopted by a board, commission, authority or other similar body unless it receives approval by roll call vote of a majority of the total membership thereof.

Sec. 10. K.S.A. 39-7,118, 39-7,119 and 39-7,120 and K.S.A. 2001 Supp. 77-421 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register June 6, 2002.)

Senate Substitute for HOUSE BILL No. 2154

AN ACT concerning crimes, criminal procedures and punishment; relating to departure sentencing, procedures; amending K.S.A. 21-4718 and K.S.A. 2001 Supp. 21-4716 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2001 Supp. 21-4716 is hereby amended to read as follows: 21-4716. (a) Except as provided in subsection (b), the sentencing judge shall impose the presumptive sentence provided by the sentencing guidelines for crimes committed on or after July 1, 1993, unless the judge finds substantial and compelling reasons to impose a departure. If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

(b) Subject to the provisions of subsection (b) of K.S.A. 21-4718, and amendments thereto, any fact that would increase the penalty for a crime beyond the statutory maximum, other than a prior conviction, shall be submitted to a jury and proved beyond a reasonable doubt.

(b)(c) (1) Subject to the provisions of subsection (b)(3), the following nonexclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction.

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(2) Subject to the provisions of subsection (b)(3), the following nonexclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

(A) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity which was known or should have been known to the offender.

(B) The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense.

(C) The offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim or the offense was motivated by the defendant's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim whether or not the defendant's belief or perception was correct.

(D) The offense involved a fiduciary relationship which existed between the defendant and the victim.

(E) The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed or coerced any individual under 16 years of age to commit or assist in avoiding detection or apprehension for commission of any person felony or any attempt, conspiracy or solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto to commit any person felony regardless of whether the defendant knew the age of the individual under 16 years of age.

(F) The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender. As used in this subsection:

(i) "Crime of extreme sexual violence" is a felony limited to the following:

(a) A crime involving a nonconsensual act of sexual intercourse or sodomy with any person;

(b) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is 14 or more years of age but less than 16 years of age and with whom a relationship has been established or promoted for the primary purpose of victimization; or

(continued)

(c) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is less than 14 years of age.

(ii) "Predatory sex offender" is an offender who has been convicted of a crime of extreme sexual violence as the current crime of conviction and who:

(a) Has one or more prior convictions of any crimes of extreme sexual violence. Any prior conviction used to establish the defendant as a predatory sex offender pursuant to this subsection shall also be counted in determining the criminal history category; or

(b) suffers from a mental condition or personality disorder which makes the offender likely to engage in additional acts constituting crimes of extreme sexual violence.

(iii) "Mental condition or personality disorder" means an emotional, mental or physical illness, disease, abnormality, disorder, pathology or condition which motivates the person, affects the predisposition or desires of the person, or interferes with the capacity of the person to control impulses to commit crimes of extreme sexual violence.

(C) The defendant was incarcerated during the commission of the offense.

In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement.

(3) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the crime severity scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime.

(c) In determining aggravating or mitigating circumstances, the court shall consider:

- (1) Any evidence received during the proceeding;
- (2) the presentence report;
- (3) written briefs and oral arguments of either the state or counsel for the defendant; and
- (4) any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable.

Sec. 2. K.S.A. 21-4718 is hereby amended to read as follows: 21-4718. (a) (1) Whenever a person is convicted of a felony, the court upon motion of either the defendant or the state, shall hold a hearing to consider imposition of a departure sentence *other than an upward durational departure sentence*. The motion shall state the type of departure sought and the reasons and factors relied upon. The hearing shall be scheduled so that the parties have adequate time to prepare and present arguments regarding the issues of departure sentencing. The victim of a crime or the victim's family shall be notified of the right to be present at the hearing for the convicted person by the county or district attorney. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the hearing. The court shall review the victim impact statement. Prior to the hearing, the court shall transmit to the defendant or the defendant's attorney and the prosecuting attorney copies of the presentence investigation report.

(2) At the conclusion of the hearing or within 20 days thereafter, the court shall issue findings of fact and conclusions of law regarding the issues submitted by the parties, and shall enter an appropriate order.

(b) (3) If the court decides to depart on its own volition, without a motion from the state or the defendant, the court must notify all parties of its intent and allow reasonable time for either party to respond if they request requested. The notice shall state the type of departure intended by the court and the reasons and factors relied upon.

(c) (4) In each case in which the court imposes a sentence that deviates from the presumptive sentence, the court shall make findings of fact as to the reasons for departure as provided in this subsection regardless of whether a hearing is requested.

(b) (1) Upon motion of the county or district attorney to seek an upward durational departure sentence, the court shall consider imposition of such upward durational departure sentence in the manner provided in subsection (b)(2). The county or district attorney shall file such motion to seek an upward durational departure sentence not less than 30 days prior to the date of trial or if the trial date is to take place in less than 30 days then within five days from the date of the arraignment.

(2) The court shall determine if the presentation of any evidence regarding the alleged fact or factors that may increase the penalty for a crime beyond the statutory maximum, other than a prior conviction, shall be presented to a jury and proved beyond a reasonable doubt during the

trial of the matter or following the determination of the defendant's innocence or guilt.

(3) If the presentation of the evidence regarding the alleged fact or factors is submitted to the jury during the trial of the matter as determined by the court, then the provisions of subsections (b)(5), (b)(6) and (b)(7) shall be applicable.

(4) If the court determines it is in the interest of justice, the court shall conduct a separate departure sentence proceeding to determine whether the defendant may be subject to an upward durational departure sentence. Such proceeding shall be conducted by the court before the trial jury as soon as practicable. If any person who served on the trial jury is unable to serve on the jury for the upward durational departure sentence proceeding, the court shall substitute an alternate juror who has been impaneled for the trial jury. If there are insufficient alternate jurors to replace trial jurors who are unable to serve at the upward durational departure sentence proceeding, the court may conduct such upward durational departure sentence proceeding before a jury which may have 12 or less jurors, but at no time less than six jurors. Any decision of an upward durational departure sentence proceeding shall be decided by a unanimous decision of the jury. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such jury. The jury at the upward durational departure sentence proceeding may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the upward durational departure sentence proceeding has been waived or the trial jury has been waived, the upward durational departure sentence proceeding shall be conducted by the court.

(5) In the upward durational departure sentence proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of determining if any specific factors exist that may serve to enhance the maximum sentence as provided by K.S.A. 21-4716 or 21-4717, and amendments thereto. Only such evidence as the state has made known to the defendant prior to the upward durational departure sentence proceeding shall be admissible, and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the upward durational departure sentence proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral arguments.

(6) The court shall provide oral and written instructions to the jury to guide its deliberations.

(7) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more specific factors exist that may serve to enhance the maximum sentence, the defendant may be sentenced pursuant to K.S.A. 21-4716 through 21-4719, and amendments thereto; otherwise, the defendant shall be sentenced as provided by law. The jury, if its verdict is a unanimous recommendation that one or more of the specific factors that may serve to enhance the maximum sentence exists, shall designate in writing, signed by the foreman of the jury, the specific factor or factors which the jury found beyond a reasonable doubt. If, after a reasonable time for deliberation, the jury is unable to reach a verdict of finding any of the specific factors, the court shall dismiss the jury and shall only impose a sentence as provided by law. In nonjury cases, the court shall follow the requirements of this subsection in determining if one or more of the specific factors exist that may serve to enhance the maximum sentence.

Sec. 3. K.S.A. 21-4718 and K.S.A. 2001 Supp. 21-4716 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register June 6, 2002.)

## SENATE BILL No. 119

AN ACT concerning access to health care records by patients, authorized representatives and certain other persons and entities; relating to fees; claims or actions to enforce.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. As used in this act: (a) "Health care provider" means those persons and entities defined as a health care provider under K.S.A. 40-3401 and K.S.A. 7-121b, and amendments thereto, except that "health care provider" shall not include a health maintenance organization.

(b) "Authorized representative" means the person designated in writing by the patient to obtain the health care records of the patient or the person otherwise authorized by law to obtain the health care records of the patient.

(c) "Authorization" means a written or printed document signed by a patient or a patient's authorized representative containing: (1) A description of the health care records a health care provider is authorized to produce; (2) the patient's name, address and date of birth; (3) a designation of the person or entity authorized to obtain copies of the health care records; (4) a date or event upon which the force of the authorization shall expire which shall not exceed one year; (5) if signed by a patient's authorized representative, the authorized representative's name, address, telephone number and relationship or capacity to the patient; and (6) a statement setting forth the right of the person signing the authorization to revoke it in writing.

Sec. 2. (a) Subject to applicable law, copies of health care records shall be furnished to a patient, a patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records, within 30 days of the receipt of the authorization, or the health care provider shall notify the patient or the patient's authorized representative of the reasons why copies are not available. A health care provider may withhold copies of health care records if the health care provider reasonably believes that providing copies of the requested records will cause substantial harm to the patient or another person. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records, upon the payment of charges not to exceed a \$15 fee for the cost of supplies and labor; and for copies of health care records routinely duplicated on a standard photocopy machine, \$.50 per page for the first 250 pages and \$.35 per page for additional pages. Providers may charge for the reasonable cost of all duplications of health care record information which cannot be routinely duplicated on a standard photocopy machine.

(b) On January 1, 2004, and annually thereafter, the fees set forth in subsection (a) shall be increased by the secretary of human resources in accordance with the all-items consumer price index published by the United States department of labor.

Sec. 3. Any health care provider, patient, authorized representative or any other entity authorized by law to obtain or reproduce such records may bring a claim or action to enforce the provisions of this act. The petition shall include an averment that the party bringing the action has in good faith conferred or attempted to confer with the other party concerning the matter in dispute without court action. Upon a showing that the failure to comply with this act was without just cause or excuse, the court shall award the costs of the action and order the records produced without cost or expense to the prevailing party.

Sec. 4. Nothing in this act shall be construed to prohibit the state board of healing arts from adopting and enforcing rules and regulations not inconsistent with this act that require licensees of the board to furnish health care records to patients or to their authorized representative. To the extent that the board determines that an administrative disciplinary remedy is appropriate for violation of such rules and regulations, that remedy is separate from and in addition to the provisions of this act.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register June 6, 2002.)

## HOUSE BILL No. 3009

AN ACT concerning state agencies; relating to state property operations, parking, leasing and surplus real estate; amending K.S.A. 75-4506, 75-4508 and 75-4510a and K.S.A. 2001 Supp. 75-6609 and repealing the existing sections; also repealing K.S.A. 75-6406.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 75-4506 is hereby amended to read as follows: 75-4506. No motor vehicle, whether privately or publicly owned, may be parked upon parking lots, facilities or drives of any state owned or operated property or building in Shawnee county, Kansas, ~~except on properties listed as exceptions in K.S.A. 75-4503, or except as authorized under rules and regulations adopted by the secretary of administration as provided in K.S.A. 75-3706 and amendments thereto~~ or, in the case of the statehouse grounds, in accordance with signs posted by the capitol area security patrol. Such rules and regulations may fix and provide for collection of rents, charges or fees ~~and administrative fines and procedures for violation of such rules and regulations~~ to be imposed in connection with and for the use of the parking facilities so owned and operated, and the secretary of administration may enter into any contract or contracts therefor with any state officer or employee or with any board, commission, agency or instrumentality of the state of Kansas. The secretary of administration may design and issue parking permits ~~or other forms of authorization~~ to facilitate the best use of any such parking lots, facilities or drives. Parking permits to park on the statehouse grounds shall be designed and issued in accordance with rules or instructions of the legislative coordinating council. Notwithstanding the foregoing provisions of this section, the secretary of administration shall provide not less than ~~one hundred forty (140)~~ 140 parking spaces to meet the needs of the legislative branch and whenever the legislative coordinating council shall determine that additional parking spaces are necessary the secretary of administration shall provide such number of additional parking spaces as may be specified by the legislative coordinating council.

Sec. 2. K.S.A. 75-4508 is hereby amended to read as follows: 75-4508. (a) ~~Except as provided in subsection (b), any person who shall violate any of the provisions of K.S.A. 75-4505, 75-4506 or 75-4507 and amendments thereto, or any rule or regulation made thereunder shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than twenty-five dollars (\$25) \$25 or by imprisonment in the county jail for not more than thirty (30) 30 days or by both such fine and imprisonment.~~

(b) (1) ~~The secretary of administration is authorized to adopt rules and regulations establishing administrative fines for parking violations in areas where a fee for parking is assessed, except that this subsection shall not apply to parking on the statehouse grounds. Persons paying any such fine shall not be subject to prosecution pursuant to subsection (a) relating to such offense. The secretary of administration shall assign responsibility for enforcement of parking violations under this subsection to the capitol area security patrol, the department of administration or other personnel designated by the secretary.~~

(2) ~~Any administrative fines received under this subsection (b) shall be remitted by the secretary of administration 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. 3. K.S.A. 75-4510a is hereby amended to read as follows: 75-4510a. Unlawful statehouse parking is parking a vehicle within the statehouse grounds bounded by 8th street, 10th street, Jackson street and Harrison street in the city of Topeka, Kansas:

(a) Contrary to any sign posted by the capitol area security patrol;

(b) Contrary to any order of an officer of the capitol area security patrol; or

(c) Without a permit issued under authority of the legislative coordinating council, except for guests in parking spaces posted for guests, emergency vehicles and delivery or maintenance vehicles on authorized business.

Any person found guilty of unlawful statehouse parking shall pay a fine ~~of five dollars (\$5) in accordance with K.S.A. 8-2118, and amendments thereto.~~

New Sec. 4. (a) The secretary of administration may lease real estate titled in the name of the state of Kansas or any state agency, other than

(continued)

real estate which is held by a state agency under the jurisdiction and control of the state board of regents or by the Kansas department of transportation, upon a finding that such real estate is not currently required for state purposes. No such lease shall be executed until the secretary of administration has consulted with and reviewed the lease with the joint committee on state building construction. Except as otherwise specifically provided by law, the state buildings operating fund shall be utilized for the operating expenses and revenues of any such leased property.

(b) Any real estate leased by the state pursuant to this section shall be exempt from ad valorem taxation as long as such property is owned by the state of Kansas and such property is:

- (1) Used by the state of Kansas or any of its agencies;
- (2) vacant;
- (3) leased by an entity exempt from the payment of ad valorem taxation; or
- (4) used for a purpose that is exempt from the payment of ad valorem taxation.

The provisions of K.S.A. 79-201 *et seq.*, and amendments thereto, requiring the requesting and filing of property tax exemptions shall not apply to the exemption provided by this section.

(c) The only portion of state-owned property that shall not be exempt from ad valorem taxation is the actual space leased by a person or entity that is not exempt from the payment of ad valorem taxation and is not used for a tax exempt purpose. Any common area used by such a lessee that is also used by the state, an entity exempt from the payment of ad valorem taxation or used for the purpose that is exempt from the payment of ad valorem taxation, shall be exempt from ad valorem taxation.

(d) The provisions of K.S.A. 41-719 and amendments thereto relating to alcoholic liquor and the provisions of K.S.A. 75-3337 *et seq.* and amendments thereto relating to vending facilities on state property shall not be applicable to property leased pursuant to this section unless the lessee is a governmental entity.

Sec. 5. K.S.A. 2001 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

(b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of

administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, a portion 20% of the proceeds from each such sale deposited in the state treasury shall be determined and designated 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 (e) of K.S.A. 75-3711e and amendments thereto and acting on this matter in conjunction with approval of such sale under subsection (e), to be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, except that such portion shall not exceed the amount equal to 50% of such proceeds unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. After crediting the amount designated by the state finance council, the remainder The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.

(2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. *The provisions of this section shall not be applicable to real estate given as an endowment, bequest, or gift to a state educational institution as defined in subsection (g) of K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.*

(h) *Sale of the Olathe travel information center shall not be subject to the provisions of this section.*

Sec. 6. K.S.A. 75-4506, 75-4508, 75-4510a, and 75-6406 and K.S.A. 2001 Supp. 75-6609 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register June 6, 2002.)

## SENATE BILL No. 509

AN ACT relating to state officers and employees; relating to compensation benefits and periods of reduced or suspended compensation; amending K.S.A. 74-49,115, 75-5521, 75-5523, 75-5524, as amended by section 10 of 2002 Senate Substitute for House Bill No. 2621, 75-5530 and 75-5531 and K.S.A. 2001 Supp. 75-5525 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 74-49,115 is hereby amended to read as follows: 74-49,115. (a) When the rate of compensation for any officer or employee of the state, who retires, becomes disabled or dies during the period commencing on the effective date of this act and ending June 30, 2007, is reduced pursuant to law or, when such officer or employee voluntarily agrees to reduce such officer or employee's rate of compensation for the period commencing on January 1, 1987, and ending on June 30, 1987, or when any officer or employee of the state is placed on a furlough without pay, the amount of salary which compensation that would have been paid if the rate of compensation had not been reduced or if the officer or employee had not been placed on the furlough shall continue to be included as compensation for all purposes of computing retirement and pension benefits and death and disability benefits as provided in article 26 of chapter 20 and article 49 of chapter 74 of the Kansas Statutes Annotated earned by such officer or employee as provided by the Kansas public employees retirement system, the Kansas police and firemen's retirement system and the retirement system for judges. Subject to the approval of the secretary of administration, the director of accounts and reports shall prescribe procedures for the payment and remittance of employer and employee contributions by the state agency employing such employees. The board shall administer the provisions of this section, with the cooperation of the director of personnel services.

(b) The provisions of subsection (a) shall not be applicable to salary compensation reductions attributable to: (1) Voluntary demotions of employees in the classified service; (2) deferred compensation pursuant to the plan authorized by K.S.A. 75-5523 and amendments thereto; or (3) to salary compensation reductions attributable to the cafeteria plan authorized by K.S.A. 75-6512 and amendments thereto.

(c) For the purposes of this section, "officer" and "employee" means any officer or employee of the state, any member of the legislature or any employee of an institution under the supervision of the board of regents.

Sec. 2. K.S.A. 75-5521 is hereby amended to read as follows: 75-5521. As used in this act:

(a) "Beneficiary" means any person designated to receive benefits under a deferred compensation plan.

(b) "Deferred compensation plan" means a plan developed and approved as provided in this act and under which an employee sets aside a specified amount of salary or compensation which may not be subject to state or federal taxation until receipt thereof by the employee under stated conditions in the future a participant elects to defer, transfer or rollover amounts as permitted by the plan.

(c) "Director" means the director of accounts and reports.

(d) "Employee" means any person who is an elected or appointed officer or any employee of the state in the classified service or unclassified service under the Kansas civil service act, other than persons who are employed on a seasonal or temporary basis.

(e) "Participant" means an eligible employee who has entered into an agreement with the director as provided in K.S.A. 75-5524, to defer an amount of the employee's salary or compensation under the Kansas public employees deferred compensation plan.

(f) "State" means the state of Kansas and any state agency as defined in subsection (3) of K.S.A. 75-3701, and amendments thereto.

Sec. 3. K.S.A. 75-5523 is hereby amended to read as follows: 75-5523. (a) The director is authorized to establish a deferred compensation plan in accordance with the federal revenue act of 1978, Public Law No. 95-600 section 457 of the federal internal revenue code of 1986, and amendments thereto, subject to the approval of the secretary of administration. Such plan shall be the Kansas public employees deferred compensation plan. All powers and duties heretofore conferred by such plan upon the advisory committee on deferred compensation are hereby transferred to the director of personnel services or the director's designees.

(b) The director may enter into an agreement or agreements with approved insurers or other contracting parties whereby benefits under the Kansas public employees deferred compensation plan would be made

available to those participants who contract with the director for deferred compensation under K.S.A. 75-5524, and amendments thereto. In addition, the director may enter into an agreement with one or more qualified private firms for consolidated billing services, participant enrollment services, participant accounts and other services related to the administration of the Kansas public employees deferred compensation plan.

(c) No significant costs shall be incurred by the state as a result of the administration of this act unless such costs are recovered by charging and collecting a service charge from all participants and in addition thereto or in lieu thereof, where the director has entered into agreements with one or more qualified private firms under subsection (b), are recovered from such firms. The amount of any such significant costs incurred and to be recovered by the state shall be determined by the director.

(d) Subject to the approval of the secretary of administration, the director is authorized to negotiate and enter into contracts with qualified insurers and other contracting parties for the purposes of establishing a deferred compensation plan, including acquisition of actuarial and other services necessary therefor. The director shall advertise for deferred compensation proposals, shall negotiate with not less than three firms or other contracting parties submitting such proposals, and shall select from among those submitting such proposals the firm or firms or other contracting party or parties to contract with for purposes of establishing a deferred compensation plan. Contracts entered into under this act shall not be subject to K.S.A. 75-3739 and amendments thereto.

Sec. 4. K.S.A. 75-5524, as amended by section 10 of 2002 Senate Substitute for House Bill No. 2621, is hereby amended to read as follows: 75-5524. (a) The director is authorized to enter into a voluntary agreement with any employee whereby the director agrees to defer and deduct each payroll period a portion of the employee's salary or compensation from the state in accordance with the Kansas public employees deferred compensation plan. Such agreement may require each participant to pay a service charge to defray all or part of any significant costs incurred and to be recovered by the state pursuant to subsection (c) of K.S.A. 75-5523, and amendments thereto, as a result of the administration of this act. Pursuant to this act and such agreements the director is authorized to deduct amounts authorized in such agreements from the salary or compensation of such employee each payroll period, as part of the system of regular payroll deduction. On and after July 1, 2002, pursuant to section 401(a) of the federal internal revenue code, the director may establish a qualified plan under which the state may contribute a specified amount, subject to appropriations, to the deferred compensation plan for state employees who have entered into a voluntary agreement with the director under this section.

(b) The minimum amount and the maximum amount which may be deferred in any one payroll period shall be established by rules and regulations adopted under K.S.A. 75-5529, and amendments thereto.

(c) The Kansas public employees deferred compensation plan shall exist and be in addition to, and shall not be a part of any retirement or pension system for employees. The state shall not be responsible for any loss incurred by an employee a participant under the Kansas public employees deferred compensation plan established and approved pursuant to this act.

(d) Any amount of the employee's salary or compensation that is deferred under such authorized agreement shall continue to be included as regular compensation for all purposes of computing retirement and pension benefits earned by any such employee, but any sum deferred or deducted shall not be subject to any state or local income taxes for the year in which such sum is earned but shall be subject to applicable state and local income taxes for the year in which such sum is received by the employee.

(e) The director is hereby authorized to establish a deferred compensation clearing fund in the state treasury in which shall be placed temporarily all compensation deferred, deducted or contributed in accordance with this act, as provided for in any agreement between an employee a participant and the director.

Sec. 5. K.S.A. 2001 Supp. 75-5525 is hereby amended to read as follows: 75-5525. (a) All moneys which are deferred and deducted by the director transferred or rolled-over in accordance with the provisions of an agreement entered into under K.S.A. 75-5524, and amendments thereto the deferred compensation plan, and the provisions of this act, shall remain assets of the state, shall be held in trust in accordance with section 457 of the federal internal revenue code of 1986, and amendments

(continued)

thereto, for the exclusive benefit of participants and their beneficiaries, and shall be disposed of in accordance with the terms of the agreement between the employee and the director with the participant. The obligation of the state to the employee and approved insurers or other contractors shall be a contractual obligation only and no preferred or special interest in the deferred moneys shall accrue to such employee or to such approved insurer or other contractor. No part of the assets of the plan may be used for, or diverted to, purposes other than for the exclusive benefit of participants and the participant's beneficiaries and for defraying reasonable expenses of the plan.

(b) Contributions Amounts payable to the deferred compensation plan pursuant to the plan shall not be subject to any premium tax or other charges arising under the insurance laws of this state. If any such tax or charge has been paid prior to the effective date of this act, the same shall be refunded.

Sec. 6. K.S.A. 75-5530 is hereby amended to read as follows: 75-5530. (a) Upon receipt of written authorization by any state employee, the director of accounts and reports shall make periodic deductions of amounts as specified in such authorization from the salary or wages of such state employee for the purposes of purchasing United States savings bonds and. The director of accounts and reports shall make payments of such amounts in accordance with such authorization and the payroll deduction plan adopted pursuant to subsection (b). Any amounts deducted from the salary or wages of such state employee pursuant to such authorization shall be subject to the maximum and minimum amounts established by rules and regulations adopted pursuant to subsection (c). Any such written authorization may be withdrawn or modified by such state employee upon filing written notice of such withdrawal or modification in the manner and at the times prescribed in rules and regulations adopted pursuant to subsection (c).

(b) The director of accounts and reports shall establish a payroll deduction plan for the purchase of United States savings bonds by state employees. Such plan shall be administered by the director of accounts and reports in accordance with rules and regulations adopted pursuant to subsection (c) and such additional accounting procedures as may be prescribed by the director of accounts and reports.

(c) The secretary of administration, upon the recommendation of the director of accounts and reports, shall adopt rules and regulations as provided in K.S.A. 75-3706, and amendments thereto, for the implementation and administration of this act. Such rules and regulations shall include maximum and minimum limitations on the amounts to be deducted from the salary or wages of any state employee and provisions for the modification or withdrawal of any authorization to make periodic deductions for the purchase of United States savings bonds under this act.

(d) As used in this act, the term "state employee" or "employee" means any appointed or elective officer or any employee of the state of Kansas whose employment is not seasonal or temporary and whose employment requires at least one thousand (1,000) hours of work per year.

Sec. 7. K.S.A. 75-5531 is hereby amended to read as follows: 75-5531. As used in K.S.A. 75-5531 to 75-5534, inclusive, and amendments thereto:

(a) "State employee" or "employee" means any appointed or elective officer or any employee of the state of Kansas whose employment is not seasonal or temporary and whose employment requires at least one thousand (1,000) hours of work per year; and

(b) "united way organization" means the organization conducting a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable or, public health, welfare or service purposes, which commonly is known as the united way. Such term includes the united fund, the community chest or any other organization which serves in communities or areas of the state where the united way is not organized.

New Sec. 8. (a) The governor is hereby authorized and directed to modify the pay plan for fiscal year 2003 in accordance with this section and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2003 shall be modified to authorize and provide for a recruitment, hiring and retention incentive package by executive directive which may include salary bonus payments and which shall be targeted to critical and specific staffing needs for persons employed as physician assistants, advanced registered nurse practitioners, registered nurses, physical therapists and occupational therapists at department of social and rehabilitation services facilities and persons employed as registered nurses at a state veterans' home operated by the Kansas commission on veterans affairs as

described in K.S.A. 76-1901 *et seq.*, and amendments thereto, or K.S.A. 76-1951 *et seq.*, and amendments thereto. The pay plan adopted by the governor under this section shall be the pay plan for the classified service under the Kansas civil service act and such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto.

(b) The provisions of subsection (q) of section 169 of 2002 Senate Bill No. 517 shall not apply to any salary bonus payments under the recruitment, hiring and retention incentive package prescribed by this section that are chargeable to biweekly payroll periods chargeable to the fiscal year ending June 30, 2003.

New Sec. 9. (a) The director of personnel services shall conduct a classification and job rate study of all health care professional and paraprofessional jobs and job classes under the Kansas civil service act to compare salaries among comparable jobs and job classes in both public and private sector entities within the state and within states adjacent to Kansas. The health care professional and paraprofessional jobs and job classes under the Kansas civil service act in such classification and job rate study shall include physician assistants, advanced registered nurse practitioners, registered nurses, physical therapists and occupational therapists. The director of personnel services shall present a report on the results of such classification and job rate study, including any estimates of costs required to implement any findings, to the legislative budget committee during the interim period prior to the 2003 regular session of the legislature and to the committee on appropriations of the house of representatives and the committee on ways and means of the senate at the beginning of the 2003 regular session of the legislature.

(b) Upon request of the director of personnel services, each public and private health care facility located in Kansas shall provide salary survey data for the purposes of the classification and job rate study of all health care professional and paraprofessional jobs and job classes prescribed by this section. Salary and survey data and other information collected pursuant to this section shall be confidential, shall be disseminated only for statistical purposes for the purposes of the classification and job rate study and shall not be disclosed or made public in any manner which would identify individuals.

Sec. 10. K.S.A. 74-49,115, 75-5521, 75-5523, 75-5524, as amended by section 10 of 2002 Senate Substitute for House Bill No. 2621, 75-5530 and 75-5531 and K.S.A. 2001 Supp. 75-5525 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register June 6, 2002.)

#### HOUSE Substitute for SENATE BILL No. 9

AN ACT concerning crimes, criminal procedure and punishment; relating to placement under court services or community corrections of certain offenders; creating the Kansas council for interstate adult offender supervision; amending K.S.A. 2001 Supp. 22-3716 and 75-5291 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2001 Supp. 22-3716 is hereby amended to read as follows: 22-3716. (a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (d) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (d), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. The written statement delivered with the defendant by the arresting officer to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of

the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction. Thereupon, or upon an arrest by warrant as provided in this section, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing. Except as otherwise provided, if the violation is established, the court may continue or revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed. Except as otherwise provided, no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed, except these provisions shall not apply to offenders who violate a condition of release or assignment or a nonprison sanction by committing a new misdemeanor or felony offense. *The provisions of this subsection shall not apply to adult felony offenders as described in subsection (a)(3) of K.S.A. 75-5291, and amendments thereto.* The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program. When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(c) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(d) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(e) Notwithstanding the provisions of any other law to the contrary, an offender whose nonprison sanction is revoked and a term of impris-

onment imposed pursuant to either the sentencing guidelines grid for nondrug or drug crimes shall not serve a period of postrelease supervision upon the completion of the prison portion of that sentence. The provisions of this subsection shall not apply to offenders sentenced to a nonprison sanction pursuant to a dispositional departure, whose offense falls within a border box of either the sentencing guidelines grid for nondrug or drug crimes, offenders sentenced for a "sexually violent crime" as defined by K.S.A. 22-3717, and amendments thereto, or whose nonprison sanction was revoked as a result of a conviction for a new misdemeanor or felony offense. The provisions of this subsection shall not apply to offenders who are serving or are to begin serving a sentence for any other felony offense that is not excluded from postrelease supervision by this subsection on the effective date of this subsection. The provisions of this subsection shall be applied retroactively. The department of corrections shall conduct a review of all persons who are in the custody of the department as a result of only a revocation of a nonprison sanction. On or before September 1, 2000, the department shall have discharged from postrelease supervision those offenders as required by this subsection.

Sec. 2. K.S.A. 2001 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services including, but not limited to, restitution programs, victim services programs, preventive or diversionary correctional programs, community corrections centers and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

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

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

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

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

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

(E) any offender who is determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument validated for community correctional placements; or

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

(3) *Notwithstanding any law to the contrary and subject to the availability of funding therefor*, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, 2004, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this section shall expire on July 1, 2004.

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from com-

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munity corrections funds administered by the secretary of corrections shall not be expended for such services.

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

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

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

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

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

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

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

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

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

Sec. 3. (a) The Kansas council for interstate adult offender supervision shall consist of the following members:

- (1) The governor or the governor's designee;
- (2) the chief justice of the supreme court or the chief justice's designee;
- (3) the attorney general or the attorney general's designee;
- (4) a person representing crime victims groups appointed by the attorney general;
- (5) one county attorney or district attorney appointed by the governor;
- (6) one private defense counsel appointed by the governor;
- (7) the chairperson of the Kansas parole board or such chairperson's designee;
- (8) the secretary of corrections or the secretary's designee;
- (9) two senators, one shall be appointed by the president of the senate and one shall be appointed by the minority leader of the senate; and
- (10) two representatives, one shall be appointed by the speaker of the house of representatives and one shall be appointed by the minority leader of the house of representatives.

(b) The appointments shall be made within 30 days after the effective date of this act. The initial meeting of the council shall be convened within 60 days after the effective date of this act by the secretary of corrections at a time and place designated by the secretary of corrections. The council shall elect a chairperson and may elect any additional officers from among its members necessary to discharge its duties.

(c) Meetings of the council subsequent to its initial meeting shall be held and conducted in accordance with policies and procedures established by the council.

(d) The council shall meet upon call of its chairperson as necessary to carry out its duties under this act.

(e) Each member of the council appointed by the governor or the attorney general shall be appointed for a term of four years. All other members shall be appointed for a term of two years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed and qualifies. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(f) The council shall oversee and administer the state's participation in the interstate compact for adult offenders supervision, 2002 Senate Bill No. 95, and amendments thereto, and shall develop policies concerning the operations and procedures of the compact within the state. The council shall appoint the compact administrator.

(g) Each member of the council shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, for each day or part thereof actually spent on council activities.

(h) The provisions of this section shall take effect and be in force from and after the later of July 1, 2002, or upon enactment into law by the 35th jurisdiction of the interstate compact for adult offenders supervision.

Sec. 4. K.S.A. 2001 Supp. 22-3716 and 75-5291 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

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#### SENATE BILL No. 39

AN ACT relating to taxation; amending K.S.A. 12-187, 12-189, 17-4634, 17-7507, 79-2401a, 79-2803a, 79-3226, 79-3271, 79-3279, 79-3310 and 79-3312 and K.S.A. 2001 Supp. 17-2036, 17-7503, 17-7504, 17-7505, 17-76, 139, 56-1a606, 56-1a607, 56a-1201, 56a-1202, 56a-1203, 79-201w, 79-1476, 79-3295, 79-32, 100a, 79-32, 205, 79-32, 206, 79-32, 211, 79-3311, 79-3603, 79-3620, 79-3635, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 12-189e and K.S.A. 2001 Supp. 79-3603, as amended by section 1 of 2002 Senate Bill No. 372.

*Be it enacted by the Legislature of the State of Kansas:*

Section. 1. On and after July 1, 2002, K.S.A. 79-3310 is hereby amended to read as follows: 79-3310. There is imposed a tax upon all cigarettes sold, distributed or given away within the state of Kansas. *On and after July 1, 2002, and before January 1, 2003, the rate of such tax shall be \$0.70 on each 20 cigarettes or fractional part thereof or \$0.875 on each 25 cigarettes, as the case requires. On and after January 1, 2003, the rate of such tax shall be \$0.79 on each 20 cigarettes or fractional part thereof or \$0.99 on each 25 cigarettes, as the case requires.* Such tax shall be collected and paid to the director as provided in this act. Such tax shall be paid only once and shall be paid by the wholesale dealer first receiving the cigarettes as herein provided.

The taxes imposed by this act are hereby levied upon all sales of cigarettes made to any department, institution or agency of the state of Kansas, and to the political subdivisions thereof and their departments, institutions and agencies.

New Sec. 2. (1) On or before July 30, 2002, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on July 1, 2002. A tax of \$0.46 on each 20 cigarettes or fractional part thereof or \$0.575 on each 25 cigarettes, as the case requires and \$0.46 or \$0.575, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to July 1, 2002, is hereby imposed and shall be due and payable in equal installments on or before July 30, 2002, on or before September 30, 2002, and on or before December 30, 2002. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.



(2) On or before January 30, 2003, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on January 1, 2003. A tax of \$.09 on each 20 cigarettes or fractional part thereof or \$.115 on each 25 cigarettes, as the case requires and \$.09 or \$.115, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to January 1, 2003, is hereby imposed and shall be due and payable in equal installments on or before January 30, 2003, on or before March 30, 2003, and on or before June 30, 2003. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.

Sec. 3. On and after July 1, 2002, K.S.A. 2001 Supp. 79-3311 is hereby amended to read as follows: 79-3311. The director shall design and designate indicia of tax payment to be affixed to each package of cigarettes as provided by this act. The director shall sell water applied stamps only to licensed wholesale dealers in the amounts of 1,000 or multiples thereof. Stamps applied by the heat process shall be sold only in amounts of 30,000 or multiples thereof, except that such stamps which are suitable for packages containing 25 cigarettes each shall be sold in amounts prescribed by the director. Meter imprints shall be sold only in amounts of 10,000 or multiples thereof. Water applied stamps in amounts of 10,000 or multiples thereof and stamps applied by the heat process and meter imprints shall be supplied to wholesale dealers at a discount of ~~2.65%~~ .90% on and after July 1, 2002, and before January 1, 2003, and .80% thereafter from the face value thereof, and shall be deducted at the time of purchase or from the remittance therefor as hereinafter provided. Any wholesale cigarette dealer who shall file with the director a bond, of acceptable form, payable to the state of Kansas with a corporate surety authorized to do business in Kansas, shall be permitted to purchase stamps, and remit therefor to the director within 30 days after each such purchase, up to a maximum outstanding at any one time of 85% of the amount of the bond. Failure on the part of any wholesale dealer to remit as herein specified shall be cause for forfeiture of such dealer's bond. All revenue received from the sale of such stamps or meter imprints 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. The state treasurer shall first credit such amount as the director shall order to the cigarette tax refund fund and shall credit the remaining balance to the state general fund. A refund fund designated the cigarette tax refund fund not to exceed \$10,000 at any time shall be set apart and maintained by the director from taxes collected under this act and held by the state treasurer for prompt payment of all refunds authorized by this act. Such cigarette tax refund fund shall be in such amount as the director shall determine is necessary to meet current refunding requirements under this act.

The wholesale cigarette dealer shall affix to each package of cigarettes stamps or tax meter imprints required by this act prior to the sale of cigarettes to any person, by such dealer or such dealer's agent or agents, within the state of Kansas. The director is empowered to authorize wholesale dealers to affix revenue tax meter imprints upon original packages of cigarettes and is charged with the duty of regulating the use of tax meters to secure payment of the proper taxes. No wholesale dealer shall affix revenue tax meter imprints to original packages of cigarettes without first having obtained permission from the director to employ this method of affixation. If the director approves the wholesale dealer's application for permission to affix revenue tax meter imprints to original packages of cigarettes, the director shall require such dealer to file a suitable bond payable to the state of Kansas executed by a corporate surety authorized to do business in Kansas. The director may, to assure the proper collection of taxes imposed by the act, revoke or suspend the privilege of imprinting tax meter imprints upon original packages of cigarettes. All meters shall be under the direct control of the director, and all transfer assignments or anything pertaining thereto must first be authorized by the director. All inks used in the stamping of cigarettes must be of a special type devised for use in connection with the machine employed and approved by the director. All repairs to the meter are strictly prohibited except by a duly authorized representative of the director. Requests for service shall be directed to the director. Meter machine ink imprints on all packages shall be clear and legible. If a wholesale dealer continuously issues illeg-

ible cigarette tax meter imprints, it shall be considered sufficient cause for revocation of such dealer's permit to use a cigarette tax meter.

A licensed wholesale dealer may, for the purpose of sale in another state, transport cigarettes not bearing Kansas indicia of tax payment through the state of Kansas provided such cigarettes are contained in sealed and original cartons.

Sec. 4. On and after July 1, 2002, K.S.A. 79-3312 is hereby amended to read as follows: 79-3312. The director shall redeem any unused stamps or meter imprints that any wholesale dealer presents for redemption within six months after the purchase thereof, at the face value less ~~2.65%~~ .90% on and after July 1, 2002, and before January 1, 2003, and .80% thereafter thereof if such stamps or meter imprints have been purchased from the director. The director shall prepare a voucher showing the net amount of such refund due, and the director of accounts and reports shall draw a warrant on the state treasurer for the same. Wholesale dealers shall be entitled to a refund of the tax paid on cigarettes which have become unfit for sale upon proof thereof less ~~2.65%~~ .90% on and after July 1, 2002, and before January 1, 2003, and .80% thereafter of such tax.

New Sec. 5. (a) In addition to the tax imposed by the Kansas estate tax act, a tax is hereby imposed on the privilege of succeeding to the ownership of any property, corporeal or incorporeal, and any interest therein within the jurisdiction of this state by any relative, or stranger in the blood, of a decedent other than the spouse, brothers and sisters, lineal ancestors, lineal descendants, step-parents, step-children, adopted children, lineal descendants of any adopted child or step-child, the spouse or surviving spouse of a son or daughter, or the spouse or surviving spouse of an adopted child or step-child of the decedent. In the case of an adopted child or step-child, a spouse or surviving spouse of an adopted child or step-child or the lineal descendant of an adopted child or step-child of the decedent, such person shall file with the department of revenue an affidavit setting forth the relationship of such person to the decedent. Such affidavit shall be sufficient proof of the adoptive or step-child relationship in question, and the department, or any officer or employee thereof, shall not require any additional proof of such relationship. As used in this paragraph, "step-child" means a child of a spouse or former spouse of the decedent or the brothers and sisters of the decedent.

(b) The tax shall be charged upon the value of the property succeeded to and shall be in an amount equal to a percentage of such value as follows: On any amount up to \$100,000, 10%; or any amount in excess of \$100,000 and up to \$200,000, 12%; on all sums in excess of \$200,000, 15%.

(c) All moneys collected pursuant to the provisions of this section shall be remitted to the state treasurer who shall credit the entire amount thereof to the state general fund.

(d) The provisions of this section shall be deemed supplemental to the Kansas estate tax act.

Sec. 6. On and after July 1, 2002, K.S.A. 2001 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of ~~4.0%~~ 5.3% on and after July 1, 2002, and before July 1, 2004, 5.2% on and after July 1, 2004, and before July 1, 2005, and 5% on and after July 1, 2005, and, within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) (1) the gross receipts from intrastate telephone or telegraph services; (2) the gross receipts received from the sale of interstate telephone or telegraph services, which (A) originate within this state and terminate outside the state and are billed to a customer's telephone number or account in this state; or (B) originate outside this state and terminate within this state and are billed to a customer's telephone number or account in this state except that the sale of interstate telephone or telegraph service does not include: (A) Any interstate incoming or outgoing wide area telephone service or wide area transmission type service which entitles the subscriber to make or receive an unlimited number of communications to or from persons having telephone service in a specified area which is outside the state in which the station provided this service

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is located; (B) any interstate private communications service to the persons contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between exchanges; (C) any value-added nonvoice service in which computer processing applications are used to act on the form, content, code or protocol of the information to be transmitted; (D) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (E) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001. For the purposes of this subsection the term gross receipts does not include purchases of telephone, telegraph or telecommunications using a prepaid telephone calling card or prepaid authorization number. As used in this subsection, a prepaid telephone calling card or prepaid authorization number means the right to exclusively make telephone calls, paid for in advance, with the prepaid value measured in minutes or other time units, that enables the origination of calls using an access number or authorization code or both, whether manually or electronically dialed; and (3) the gross receipts from the provision of services taxable under this subsection which are billed on a combined basis with nontaxable services, shall be accounted for and the tax remitted as follows: The taxable portion of the selling price of those combined services shall include only those charges for taxable services if the selling price for the taxable services can be readily distinguishable in the retailer's books and records from the selling price for the nontaxable services. Otherwise, the gross receipts from the sale of both taxable and nontaxable services billed on a combined basis shall be deemed attributable to the taxable services included therein. Within 90 days of billing taxable services on a combined basis with nontaxable services, the retailer shall enter into a written agreement with the secretary identifying the methodology to be used in determining the taxable portion of the selling price of those combined services. The burden of proving that any receipt or charge is not taxable shall be upon the retailer. Upon request from the customer, the retailer shall disclose to the customer the selling price for the taxable services included in the selling price for the taxable and nontaxable services billed on a combined basis;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be

entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph Ninth of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs Eighth and Ninth of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 *et seq.*, and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include

the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or of any municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility; and

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property, ~~except computer software described in subsection (s)~~, which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) the gross receipts received from the sale of computer software, and the sale of the services of modifying, altering, updating or maintaining computer software. As used in this subsection, "computer software" means information and directions loaded into a computer which dictate different functions to be performed by the computer. Computer software includes any canned or prewritten program which is held or existing for general or repeated sale, even if the program was originally developed for a single end user as custom computer software. ~~The sale of computer software or services does not include: (1) The initial sale of any custom computer program which is originally developed for the exclusive use of a single end user, or (2) those services rendered in the modification of computer software when the modification is developed exclusively for a single end user only to the extent of the modification and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements and other billing documents provided to the end user. The services of modification, alteration, updating and maintenance of computer software shall only include the modification, alteration, updating and maintenance of computer software taxable under this subsection whether or not the services are actually provided;~~

(t) the gross receipts received for telephone answering services, including mobile phone mobile telecommunication services, beeper services and other similar services. *On and after August 1, 2002, the provisions of the federal mobile telecommunications sourcing act as in effect on January 1, 2002, shall be applicable to all sales of mobile telecommunication services taxable pursuant to this subsection. The secretary of revenue is hereby authorized and directed to perform any act deemed necessary to properly implement such provisions;*

(u) the gross receipts received from the sale of prepaid telephone calling cards or prepaid authorization numbers and the recharge of such cards or numbers. A prepaid telephone calling card or prepaid authorization number means the right to exclusively make telephone calls, paid for in advance, ~~with the prepaid value measured in minutes or other time units~~; that enables the origination of calls using an access number or authorization code or both, whether manually or electronically dialed. If the sale or recharge of such card or number does not take place at the vendor's place of business, it shall be conclusively determined to take place at the customer's shipping address; if there is no item shipped then it shall be the customer's billing address; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701, et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo

faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.

Sec. 7. On and after July 1, 2002, K.S.A. 2001 Supp. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act 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, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsection (c) and (d), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds including refunds authorized under the provisions of K.S.A. 79-3635, and amendments thereto. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit  $\frac{5}{8}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) *The state treasurer shall credit  $\frac{5}{104}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.2%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.*

(3) *The state treasurer shall credit  $\frac{5}{106}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.*

(4) *The state treasurer shall credit  $\frac{1}{20}$  of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.*

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce and housing to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

Sec. 8. On and after July 1, 2002, K.S.A. 2001 Supp. 79-3635 is hereby amended to read as follows: 79-3635. (a) (1) A claimant shall be entitled to a refund of retailers' sales taxes paid upon food during the calendar year 1998 and each year thereafter in the amount hereinafter provided. There shall be allowed for each member of a household of a claimant having income of \$12,500 or less, an amount equal to ~~\$60~~ \$72. There shall be allowed for each member of a household of a claimant having income of more than \$12,500 but not more than \$25,000, an amount equal to ~~\$30~~ \$36. There shall be allowed for a claimant who qualifies for an additional personal exemption amount pursuant to K.S.A. 79-32,121, and amendments thereto, an additional amount of ~~\$30 or \$60~~ \$36 or \$72, as the case requires. All such claims shall be paid from the sales tax refund fund upon warrants of the director of accounts and re-

(continued)

ports pursuant to vouchers approved by the director of taxation or by a person or persons designated by the director.

(2) As an alternative to the procedure described by paragraph 1, for all taxable years commencing after December 31, ~~1997~~ 2001, there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to ~~\$60 or \$30~~ \$36 or \$72, as the case requires, for each member of a household. There shall be allowed for a claimant who qualifies for an additional personal exemption amount pursuant to K.S.A. 79-32,121, and amendments thereto, an additional amount of ~~\$30 or \$60~~ \$36 or \$72, as the case requires. If the amount of such tax credit exceeds the claimant's income tax liability for such taxable year, such excess amount shall be refunded to the claimant.

(b) A head of household shall make application for refunds for all members of the same household upon a common form provided for the making of joint claims. All claims paid to members of the same household shall be paid as a joint claim by means of a single warrant.

(c) No claim for a refund of taxes under the provisions of K.S.A. 79-3632 *et seq.* shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before April 15 of the year next succeeding the year in which such taxes were paid. The director of taxation may: (1) Extend the time for filing any claim under the provisions of this act when good cause exists therefor; or (2) accept a claim filed after the deadline for filing in the case of sickness, absence or disability of the claimant if such claim has been filed within four years of such deadline.

(d) *In the case of all tax years commencing after December 31, 2001, the threshold income amounts prescribed in this section and subsection (c) of K.S.A. 79-3633, and amendments thereto, shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1 (f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.*

Sec. 9. On and after July 1, 2002, K.S.A. 2001 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of ~~4.9%~~ 5.3% on and after July 1, 2002, and before July 1, 2004, 5.2% on and after July 1, 2004, and before July 1, 2005, and 5% on and after July 1, 2005. Within a redevelopment district established pursuant to K.S.A. 2001 Supp. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 10. On and after July 1, 2002, K.S.A. 2001 Supp. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director under the provisions of this act 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c) and (d), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) The state treasurer shall credit  $\frac{5}{8}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) *The state treasurer shall credit  $\frac{5}{104}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments*

*thereto, at the rate of 5.2%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.*

(3) *The state treasurer shall credit  $\frac{5}{106}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.*

(4) *The state treasurer shall credit  $\frac{1}{20}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.*

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce and housing to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

Sec. 11. K.S.A. 2001 Supp. 79-32,206 is hereby amended to read as follows: 79-32,206. For all taxable years commencing after December 31, ~~1997~~ 2001, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, the premiums tax upon insurance companies imposed pursuant to K.S.A. 40-252, and amendments thereto, and the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, an amount equal to 15% of the property tax levied for property tax year ~~1998~~ years 2002, 2003 and 2004, 20% of the property tax levied for property tax years 2005 and 2006, and 25% of the property tax levied for property tax year 2007, and all such years thereafter, actually and timely paid during an income or privilege taxable year upon commercial and industrial machinery and equipment classified for property taxation purposes pursuant to section 1 of article 11 of the Kansas constitution in subclass (5) or (6) of class 2 and machinery and equipment classified for such purposes in subclass (2) of class 2. *For all taxable years commencing after December 31, 2004, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act an amount equal to 20% of the property tax levied for property tax years 2005 and 2006, and 25% of the property tax levied for property tax year 2007 and all such years thereafter, actually and timely paid during an income taxable year upon machinery and equipment classified for property tax purposes pursuant to section 1 of article 11 of the Kansas constitution in subclass (3) of class 2. Prior to the 2004 legislative session, the joint committee on economic development shall conduct a study of the economic impact of the foregoing provision.* If the amount of such tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount thereof which exceeds such tax liability shall be refunded to the taxpayer. If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company.

Sec. 12. K.S.A. 79-3271 is hereby amended to read as follows: 79-3271. As used in this act, unless the context otherwise requires: (a) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations, except that for taxable years commencing after December 31, 1995, a taxpayer may elect that all income derived from the acquisition, management, use or disposition of tangible or intangible property constitutes business income. The election shall be effective and irrevocable for the taxable year of the election and the follow-

ing nine taxable years. The election shall be binding on all members of a unitary group of corporations.

(b) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(c) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(d) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, investment company, or any type of insurance company, but such term shall not be deemed to include any business entity, other than those hereinbefore enumerated, whose primary business activity is making consumer loans or purchasing retail installment contracts from one or more sellers.

(e) "Nonbusiness income" means all income other than business income.

(f) "Public utility" means any business entity which owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, oil, oil products or gas.

(g) "Original return" means the first return filed to report the income of a taxpayer for a taxable year or period, irrespective of whether such return is filed on a single entity basis or a combined basis.

(g) (h) "Sales" means all gross receipts of the taxpayer not allocated under K.S.A. 79-3274 through 79-3278, and amendments thereto.

(h) (i) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(h) (j) "Telecommunications company" means any business entity or unitary group of entities whose primary business activity is the transmission of communications in the form of voice, data, signals or facsimile communications by wire or fiber optic cable.

(h) (k) "Distressed area taxpayer" means a corporation which: (1) Is located in a county which has a population of not more than 45,000 persons and which, as certified by the department of commerce and housing, has sustained an adverse economic impact due to the closure of a state hospital in such county pursuant to the recommendations of the hospital closure commission; and (2) which has a total annual payroll of \$20,000,000 or more for employees employed within such county.

(l) For the purposes of this subsection and subsection (b)(5) of K.S.A. 79-3279, and amendments thereto, the following terms are defined:

(1) "Administration services" include clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(2) "distribution services" include the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person who is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. § 80a-15(b), as in effect on the effective date of this act;

(3) "investment company", means any person registered under the federal Investment Company Act of 1940, as in effect on the effective date of this act, or a company which would be required to register as an investment company under such act except that such person is exempt to such registration pursuant to § 80a-3(c)(1) of such act;

(4) "investment funds service corporation" includes any corporation or S corporation headquartered in and doing business in this state which derives more than 50% of its gross income from the provision of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company;

(5) "management services" include the rendering of investment advice to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed.

(A) Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. § 80a-15(a), in effect on the effective date of this act; or

(B) for a person that has entered into such contract with the investment company;

(6) "qualifying business income" is business income derived from the provision of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company; and

(7) "residence" is the fund shareholder's primary residence address.

Sec. 13. K.S.A. 79-3279 is hereby amended to read as follows: 79-3279. (a) All business income of railroads and interstate motor carriers of persons or property for-hire shall be apportioned to this state by multiplying the business income by a fraction, in the case of railroads, the numerator of which is the freight car miles in this state and the denominator of which is the freight car miles everywhere, and, in the case of interstate motor carriers, the numerator of which is the total number of miles operated in this state and the denominator of which is the total number of miles operated everywhere.

(b) All business income of any other taxpayer shall be apportioned to this state by one of the following methods:

(1) By multiplying the business income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three; or

(2) at the election of a qualifying taxpayer, by multiplying the business income by a fraction, the numerator of which is the property factor plus the sales factor, and the denominator of which is two.

(A) For purposes of this subsection (b)(2), a qualifying taxpayer is any taxpayer whose payroll factor for a taxable year exceeds 200% of the average of the property factor and the sales factor. Whenever two or more corporations are engaged in a unitary business and required to file a combined report, the percentage fraction comparison provided by this subsection (b)(2) shall be calculated by using the payroll factor, property factor and sales factor of the combined group of unitary corporations.

(B) An election under this subsection (b)(2) shall be made by including a statement with the original tax return indicating that the taxpayer elects to apply the apportionment method under this subsection (b)(2). The election shall be effective and irrevocable for the taxable year of the election and the following nine taxable years. The election shall be binding on all members of a unitary group of corporations. Notwithstanding the above, the secretary of revenue may upon the request of the taxpayer, grant permission to terminate the election under this subsection (b)(2) prior to expiration of the ten-year period.

(3) At the election of a qualifying telecommunications company, by multiplying the business income by a fraction, the numerator of which is the information carrying capacity of wire and fiber optic cable available for use in this state, and the denominator of which is the information carrying capacity of wire and fiber optic cable available for use everywhere during the tax year.

(A) For purposes of this subsection (b)(3), a qualifying telecommunications company is a telecommunications company that is a qualifying taxpayer under paragraph (A) of subsection (b)(2).

(B) A qualifying telecommunications company shall make the election under this subsection (b)(3) in the same manner as provided under paragraph (B) of subsection (b)(2).

(4) At the election of a distressed area taxpayer, by multiplying the business income by the sales factor. The election shall be made by including a statement with the original tax return indicating that the taxpayer elects to apply this apportionment method. The election may be made only once, it must be made on or before December 31, 1999 and it shall be effective for the taxable year of the election and the following nine taxable years for so long as the taxpayer maintains the payroll amount prescribed by subsection (j) of K.S.A. 79-3271.

(5) At the election of the taxpayer made at the time of filing of the original return, the qualifying business income of any investment funds service corporation organized as a corporation or S corporation which maintains its primary headquarters and operations or is a branch facility that employs at least 100 individuals on a full-time equivalent basis in this state and has any investment company fund shareholders resided in this state shall be apportioned to this state as provided in this subsection, as follows:

(continued)

(A) By multiplying the investment funds service corporation's qualifying business income from administration, distribution and management services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year.

(B) A separate computation shall be made to determine the qualifying business income from each fund of each investment company. The qualifying business income from each investment company shall be multiplied by the fraction calculated pursuant to paragraph (A) for each fund of such investment company.

(C) The qualifying portion of total business income of an investment funds service corporation shall be determined by multiplying such total business income by a fraction, the numerator of which is the gross receipts from the provision of management, distribution and administration services to or on behalf of an investment company, and the denominator of which is the gross receipts of the investment funds service company. To the extent an investment funds service corporation has business income that is not qualifying business income, such business income shall be apportioned to this state pursuant to subsection (b)(1).

(D) For tax year 2002, the tax liability of an investment funds service corporation that has elected to apportion its business income pursuant to paragraph (5) shall be increased by an amount equal to 50% of the difference of the amount of such tax liability if determined pursuant to subsection (b)(1) less the amount of such tax liability determined with regard to paragraph (5).

(E) When an investment funds service corporation is part of a unitary group, the business income of the unitary group attributable to the investment funds service corporation shall be determined by multiplying the business income of the unitary group by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three. The property factor is a fraction, the numerator of which is the average value of the investment funds service corporation's real and tangible personal property owned or rented and used during the tax period and the denominator of which is the average value of the unitary group's real and tangible personal property owned or rented and used during the tax period. The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the investment funds service corporation for compensation, and the denominator of which is the total compensation paid by the unitary group during the tax period. The sales factor is a fraction, the numerator of which is the total sales of the investment funds service corporation during the tax period, and the denominator of which is the total sales of the unitary group during the tax period.

(F) A taxpayer seeking to make the election available pursuant to subsection (b)(5) of K.S.A. 79-3279, and amendments thereto, shall only be eligible to continue to make such election if the taxpayer maintains at least 95% of the Kansas employees in existence at the time the taxpayer first makes such an election.

New Sec. 14. The provisions of sections 12 and 13 of this act shall be applicable to all taxable years commencing after December 31, 2001.

New Sec. 15. As used in sections 15 through 18 of this act:

- (a) "Establishment" means a business that:
- (1) Has at least \$100,000,000 in existing annual gross compensation paid to jobs located in Kansas, according to reports filed with the secretary of human resources, for the previous three years;
  - (2) has an average annual gross compensation of at least \$40,000 paid per existing employee;
  - (3) currently has at least \$200,000,000 total investment in Kansas;
  - (4) intends to add investment, in the state as defined in subsection (d), for modernization and retooling of at least \$50,000,000 within five years from the effective date of this act or within five years of contracting with the department of commerce and housing; and
  - (5) is described by north American industrial classification code number 326211, tire manufacturing.
- (b) "Gross compensation" means wages and benefits paid to or on behalf of employees receiving wages.

(c) "Secretary" means the secretary of commerce and housing.

(d) "Invest" or "investment" for the purpose of determining the eligibility of an establishment for the incentive payments created pursuant to this act, means an amount greater than the average amount invested by the establishment over the five years prior to the effective date of this act or for investments made after July 1, 2003, over the five years prior to entering into a contract with the secretary. If an establishment has been engaged in commercial operations for less than five years, the amount invested shall be greater than the annual average amount invested by the establishment for the entire period of commercial operation.

New Sec. 16. The Kansas development finance authority is hereby authorized to issue obligations in a principal amount not to exceed \$10,000,000 upon certification by the department of commerce and housing that an establishment has entered into a contract with the secretary pursuant to this act. The authority shall issue such obligations in an amount of \$1 for every \$5 the establishment shall invest as required pursuant to section 15, and amendments thereto. The maximum maturity of bonds issued pursuant to this act shall be 15 years. Such obligations shall be issued within 60 days of the date by which the secretary receives the signed contract required pursuant to section 17, and amendments thereto. The proceeds of such issuance shall be used by the authority for acquiring or improving real property or acquiring or replacing personal property for modernizing and retooling of an establishment in the state. Subject to appropriation, the debt service on such obligations shall be paid by the transfer of an amount not to exceed 75% of the revenue realized from payments by employees of the establishment pursuant to K.S.A. 79-3294, *et seq.*, and amendments thereto, but no such transfer shall commence prior to July 1, 2003.

New Sec. 17. An establishment shall enter into a contract with the secretary in which in return for incentive payments authorized pursuant to section 16, and amendments thereto, the establishment agrees that, in the event that insufficient revenue is realized by the payments made pursuant to section 16, and amendments thereto, the establishment shall be responsible for the debt services on obligations issued pursuant to this act. The contract shall include a specified amount which the establishment agrees to invest in the state and shall be the basis for determining the amount of obligations issued pursuant to section 16, and amendments thereto. In the event the establishment invests a lesser amount the establishment shall repay any amount received at a ratio of \$1 for each \$5 of the difference between the amount pledged and the amount actually invested. The contract shall further specify that, in the event the rate of taxation set forth in the Kansas income tax act is abolished and insufficient revenue is realized to meet the debt service on the obligations issued pursuant to this act, the establishment shall not be responsible for any amount of shortfall attributable to such reduction in rates. The contract may specify such additional terms and conditions as may be necessary to administer this act. The secretary may include provisions in the contract to reduce the amount of eligible tax credits or other benefits on the investment to support such bond repayment.

New Sec. 18. The establishment shall not be allowed credits pursuant to K.S.A. 79-32,160a, and amendments thereto, for any amount of investment related to or computed on the basis of any investment of the proceeds of obligations issued pursuant to this act.

Sec. 19. K.S.A. 2001 Supp. 79-201w is hereby amended to read as follows: 79-201w. The following described property, to the extent specified by this section, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(a) Any item of machinery, equipment, materials and supplies which, except for the operation of the provisions of this section, would be required to be listed for the purpose of taxation pursuant to K.S.A. 79-306, and amendments thereto, and which is used or to be used in the conduct of the owner's business, or in the conduct of activities by an entity not subject to Kansas income taxation pursuant to K.S.A. 79-32,113, and amendments thereto, whose original retail cost when new is \$250 or less for tax year 2002, and \$400 or less for tax year 2003, and all tax years thereafter.

~~(b) The provisions of this section shall apply to all taxable years commencing after December 31, 1995.~~

Sec. 20. K.S.A. 79-2803a is hereby amended to read as follows: 79-2803a. Lots or tracts may be sold or transferred as a single group or unit or in more than one group or unit either:

(a) Upon the motion of any party to the action, the court may, if it finds and the court grants such motion by order after making a finding

that any two or more lots or tracts constitute a single unit for usual uses and will sell for a higher price if sold together, ~~order said lots or tracts sold together as a single unit; or~~

(b) *by the county, without a court order, if such lots or tracts previously have been offered at public auction for delinquent property taxes, but which did not sell at the previous public auction.*

New Sec. 21. (a) As a part of an order issued pursuant to K.S.A. 79-2803a, and amendments thereto, and upon application of the county, a court may authorize the county to dispose of one or more lots or tracts by negotiated public or private sale or transfer if the court finds that such property or properties had been included as a part of a prior judgment and order of sale and had not been purchased at the sale.

(b) Any sale or transfer authorized pursuant to subsection (a), shall be conducted in accordance with this subsection. The county may negotiate the sale or transfer of the property on such terms and conditions it deems advisable and shall publish notice of the proposed sale or transfer in the official county newspaper. Such notice shall describe the property and shall state the name of the purchaser or recipient and the sales price or other consideration, or shall state the other manner of transfer. The notice also shall state the date, time, and general location of the hearing to confirm the sale or transfer of the property. The purchaser or recipient of the property shall execute an affidavit pursuant to the provisions of K.S.A. 79-2804h, and amendments thereto, and the county may not sell or transfer of the property to any person who is prohibited from purchasing the property under the provisions of K.S.A. 79-2812, and amendments thereto. Any sale or transfer of real estate by the county under this section shall be subject to a hearing upon and order of confirmation by the court and, thereafter, shall be conveyed to the purchaser or recipient by the sheriff of the county, who shall issue a sheriff's deed, in conformance with K.S.A. 79-2804, and amendments thereto, upon receipt of the court's order confirming the sale or transfer of the property. The deed shall convey the property with all rights provided by K.S.A. 79-2804, and amendments thereto.

Sec. 22. K.S.A. 79-2401a is hereby amended to read as follows: 79-2401a. (a) (1) Except as provided by paragraph (2) and subsection (b), real estate bid off by the county for both delinquent taxes and special assessments, as defined by subsection (c), shall be held by the county until the expiration of two years from the date of the sale, subject only to the right of redemption as provided by this section. Any owner or holder of the record title, the owner's or holder's heirs, devisees, executors, administrators, assigns or any mortgagee or the owner's or holder's assigns may redeem the real estate sold in the sale at any time within two years after the sale by paying to the county treasurer the amount for which the real estate was sold plus the interest accrued, all delinquent taxes and special assessments and interest thereon that have accrued after the date of such sale which remain unpaid as of the date of redemption and costs and expenses of the sale and redemption, including but not limited to, abstracting costs incurred in anticipation of a tax sale.

(2) Any abandoned building or structure and the land accommodating such building or structure bid off by the county for both delinquent taxes and special assessments, as defined by subsection (c), shall be held by the county until the expiration of one year from the date of the sale, subject only to the right of redemption as provided by this section. Any owner or holder of the record title, the owner's or holder's heirs, devisees, executors, administrators, assigns or any mortgagee or the owner's or holder's assigns may redeem the real estate sold in the sale at any time within one year after the sale by paying to the county treasurer the amount for which the real estate was sold plus the interest accrued, all delinquent taxes and special assessments and interest thereon that have accrued after the date of such sale which remain unpaid as of the date of redemption and costs and expenses of the sale and redemption, including but not limited to abstracting costs incurred in anticipation of a tax sale.

When used in this subsection "abandoned building or structure and the land accommodating such building or structure" shall mean a building or structure which, for a period of at least one year, has been unoccupied and which there has been a failure to perform reasonable maintenance of such building or structure and the land accommodating such building or structure.

(b) (1) Except as provided by paragraph (2), real estate which is a homestead under section 9 of article 15 of the Kansas Constitution and all real estate not described in subsection (a) shall be held by the county until the expiration of three years from the date of the sale and may be redeemed partially by paying to the county treasurer the amount of taxes

for which the real estate was sold for one or more years, beginning with the first year for which the real estate was carried on the tax-sale book of the county plus interest at the rate prescribed by K.S.A. 79-2004, and amendments thereto, on the amount from the date the same was carried on the sale book. Upon payment and partial redemption, the time when a tax foreclosure sale may be commenced shall be extended by the number of years paid in the partial redemption.

(2) In ~~Johnson and Wyandotte counties~~ county, real estate which is a homestead under section 9 of article 15 of the Kansas constitution and all real estate not described in subsection (a) shall be held by the county until the expiration of three years from the date of the sale and may be redeemed partially by paying to the county treasurer the amount of taxes for which the real estate was sold for one or more years, beginning with the most recent year for which the real estate was carried on the tax-sale book of the county plus interest at the rate prescribed by K.S.A. 79-2004, and amendments thereto, on the amount from the date the same was carried on the sale book.

(c) For the purpose of this act, the term "real estate bid off by the county for both delinquent taxes and special assessments" shall include only real estate on which there are delinquent taxes of a general ad valorem property tax nature and delinquent special assessments or other special taxes levied by a city, county or other municipality in response to a petition or request of the landowners. Upon publication of the listing of real estate subject to sale under the provisions of K.S.A. 79-2302, and amendments thereto, the clerk of any city, county or other municipality which has levied special assessments during the past 10 years shall certify to the county treasurer those listed parcels of real estate which are located within a special assessment district, but no parcel shall be so certified unless the public improvement was constructed pursuant to a petition or request of one or more landowners sufficient to authorize the improvement under the applicable statutory special assessment procedure used by the city, county or other municipality.

(d) If at the expiration of the redemption period, the real estate has not been redeemed, the real estate shall be disposed of by foreclosure and sale in the manner provided by K.S.A. 79-2801 et seq., and amendments thereto.

New Sec. 23. (a) Any correspondence issued by the department of revenue to a taxpayer or the taxpayer's representative demanding payment of an assessment of any tax the imposition and collection of which is administered by the department shall consist of a detailed, clear and accurate explanation of the assessment demand including, but not limited to, the specific tax and tax year to which such assessment applies and penalties and interest which apply thereto. If the department proposes to change the tax or refund due on a return filed by a taxpayer, correspondence detailing the change shall be sent to the taxpayer. The correspondence shall specifically identify the proposed change and explain in simple and nontechnical terms the reasons for the change.

(b) Any such correspondence demanding the payment of an assessment of tax, penalties and interest in an amount in excess of \$750 for individual accounts and in excess of \$2,000 for business accounts shall be reviewed prior to issuance for accuracy by an employee of the department and shall provide the employer identification number and contact telephone number of the employee performing any such review.

New Sec. 24. In the event a taxpayer has designated a third party or other representative to discuss an income tax return upon the taxpayer's Kansas return, the department shall adhere and comply with such designation, and shall discuss or correspond with such designee or representative regarding matters concerning the return, including collection matters.

New Sec. 25. In addition to the authority to waive any civil penalty imposed by law for the violation of any law pertaining to any tax administered by the department of revenue, the secretary or the secretary's designee shall waive any such penalty upon the finding of any circumstance allowing waiver of civil penalties pursuant to the federal internal revenue code, as in effect on January 1, 2002.

New Sec. 26. Upon a resolution of any assessment of tax, penalties and interest of any tax the imposition and collection of which is administered by the department, a closing letter evidencing such resolution shall be issued to the affected taxpayer or the taxpayer's representative, as the case may require, within 30 days of the date upon which such resolution is agreed to. The taxpayer shall be entitled to rely on such closing letter as it relates to the issues resolved.

(continued)

New Sec. 27. (a) Notwithstanding any provision of K.S.A. 79-3235, and amendments thereto, to the contrary, the procedures set forth by this section shall apply to the issuance of any warrant and the levy upon property pursuant to such provisions.

(b) The secretary or the secretary's designee shall notify in writing the person who is the subject of the warrant of the filing of a warrant under K.S.A. 79-3235, and amendments thereto. The notice required shall be given in person, left at the dwelling or usual place of business of such person or sent by certified or registered mail to such person's last known dwelling address, not more than five business days after the day of the filing of the notice of lien. The notice shall include in simple and nontechnical terms the amount of unpaid taxes, the administrative appeals available to the taxpayer with respect to such warrant and the procedures relating to such appeals, and the provisions of law and procedures relating to the release of warrants on property.

Sec. 28. K.S.A. 79-3226 is hereby amended to read as follows: 79-3226. (a) As soon as practicable after the return is filed, the director of taxation shall examine it and shall determine the correct amount of the tax. If the tax found due shall be greater than the amount theretofore paid, or if a claim for a refund is denied, notice shall be mailed to the taxpayer. Within 60 days after the mailing of such notice the taxpayer may request an informal conference with the secretary of revenue or the secretary's designee relating to the tax liability or denial of refund by filing a written request with the secretary of revenue or the secretary's designee which sets forth the objections to the proposed liability or proposed denial of refund. The purpose of such conference shall be to review and reconsider all facts and issues that underlie the proposed liability or proposed denial of refund. The secretary of revenue or the secretary's designee shall hold an informal conference with the taxpayer and shall issue a written final determination thereon. The informal conference shall not constitute an adjudicative proceeding under the Kansas administrative procedure act. Informal conferences held pursuant to this section may be conducted by the secretary of revenue or the secretary's designee. The rules of evidence shall not apply to an informal conference and no record shall be made, except at the request and expense of the secretary of revenue or the secretary's designee or taxpayer. The taxpayer may bring to the informal conference an attorney, certified public accountant and any other person to represent the taxpayer or to provide information. Because the purpose of the department staff is to aid the secretary or secretary's designee in the proper discharge of the secretary's or secretary's designee's duties, the secretary or secretary's designee may confer at any time with any staff member with respect to the case under reconsideration. The secretary of revenue or the secretary's designee shall issue a written final determination within 270 days of the date of the request for informal conference unless the parties agree in writing to extend the time for issuing such final determination. A final determination constitutes final agency action subject to administrative review by the state board of tax appeals. In the event that a written final determination is not rendered within 270 days, the taxpayer may appeal to the state board of tax appeals.

(b) A final determination finding additional tax shall be accompanied by a notice and demand for payment. Notice under this section shall be sent by first-class mail in the case of individual taxpayers and by registered or certified mail in the case of all other taxpayers. The tax shall be paid within 20 days thereafter, together with interest at the rate per month prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, on the additional tax from the date the tax was due unless an appeal is taken in the manner provided by K.S.A. 74-2438 and amendments thereto, but no additional tax shall be assessed for less than \$5 unless the secretary or the secretary's designee determines the administration and collection cost involved in collecting an amount over \$5 but less than \$100 would not warrant collection of the amount due. Interest at such rate shall continue to accrue on any additional tax liability during the course of any appeal.

Sec. 29. K.S.A. 2001 Supp. 79-3295 is hereby amended to read as follows: 79-3295. (a) The term "employee" means a resident of this state as defined by subsection (b) of K.S.A. 79-32,109, and amendments thereto, performing services for an employer either within or without the state and a nonresident performing services within this state, and includes an officer, employee or elected official of the United States, a state, territory, or any political subdivision thereof or any agency or instrumentality thereof, and an officer of a corporation.

(b) The term "employer" means any person, firm, partnership, limited liability company, corporation, association, trust or fiduciary of any kind or other type organization qualifying as an employer for federal income tax withholding purposes and who maintains an office, transacts business in or derives any income from sources within the state of Kansas for whom an individual performs or performed any services, of whatever nature, as the employee of such employer, and who has control of the payment of wages for such services, or is the officer, agent or employee of the person having control of the payment of wages. It also includes the United States, the state and all political subdivisions thereof, and all agencies or instrumentalities of any of them.

(c) The term "distributee" means any person or organization who receives a distribution which is subject to withholding of income tax pursuant to this act.

(d) The term "distribution" means a distribution from a corporation for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, from a limited liability company formed under the laws of the state of Kansas, or from a partnership.

(e) The term "payee" means any person or organization who receives a payment other than wages which is subject to withholding of income tax pursuant to this act.

(f) The term "payment other than wages" means a payment that is subject to federal income tax withholding and taxable under the Kansas income tax act, and that is a payment:

- (1) for any supplemental unemployment compensation, annuity, or sick pay;
- (2) pursuant to a voluntary withholding agreement;
- (3) of gambling winnings;
- (4) of taxable payments of Indian casino profits;
- (5) for any vehicle fringe benefit;
- (6) of periodic payments of pensions, annuities, and other deferred income;
- (7) of nonperiodic distributions of pensions, annuities, and other deferred income; or
- (8) of eligible rollover distributions of pensions, annuities, and other deferred income.

(g) The term "payor" means any person or organization, other than an employer, who makes payments, other than wages or distributions, which are subject to withholding of income tax pursuant to this act.

(h) The term "wages" means wages as defined by section 3401(a) of the federal internal revenue code which are taxable under the Kansas income tax act, and shall include any prize or award paid to a professional athlete at a sporting event held in this state.

Sec. 30. K.S.A. 2001 Supp. 79-32,100a is hereby amended to read as follows: 79-32,100a. (a) Every payor who withholds federal income tax:

- (a) For any supplemental unemployment compensation, annuity or sick pay;
- (b) pursuant to a voluntary withholding agreement;
- (c) on gambling winnings;
- (d) on taxable payments of Indian casino profits;
- (e) for any vehicle fringe benefit;
- (f) on periodic payments of pensions, annuities and other deferred income;
- (g) on nonperiodic distributions of pensions, annuities and other deferred income; or
- (h) on eligible rollover distributions of pensions, annuities and other deferred income, from payments made to those persons whose primary residence is in Kansas shall withhold and deduct an amount to be determined in accordance with K.S.A. 2001 Supp. 79-32,100b 79-32,100d, and amendments thereto, is required under federal law to withhold upon payments other than wages pursuant to the federal internal revenue code shall withhold and deduct an amount to be determined in accordance with K.S.A. 79-32,100d, and amendments thereto, whenever the payee is a person whose primary residence is in Kansas.

(b) A determination by the internal revenue service that relieves a payor from withholding responsibility with respect to payments other than wages to a payee shall also apply for Kansas income tax withholding purposes. Whenever a payor is required to reinstate withholding for federal income tax with regard to any payee, such obligation shall be equally applicable for Kansas withholding purposes.

(c) Every payor who makes a distribution as defined by subsection (d) of K.S.A. 79-3295, and amendments thereto, shall withhold and deduct an amount to be determined in accordance with K.S.A. 79-32,100d, and



amendments thereto, from amounts distributed or distributable to each nonresident shareholder or partner.

Sec. 31. K.S.A. 2001 Supp. 79-32,211 is hereby amended to read as follows: 79-32,211. (a) For all taxable years commencing after December 31, 2000 2001, there shall be allowed a tax credit against the income, privilege or premium tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, or the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, in an amount equal to 25% of qualified expenditures incurred in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equal \$5,000 or more. If the amount of such tax credit exceeds the qualified taxpayer's income, privilege or premium tax liability for the year in which such costs and expenses were incurred, the qualified rehabilitation plan was placed in service, as defined by section 47(b)(1) of the federal internal revenue code and federal regulation section 1.48-12(f)(2), such excess amount may be carried over for deduction from such taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the qualified expenditures were incurred rehabilitation plan was placed in service.

(b) As used in this section, unless the context clearly indicates otherwise:

(1) "Qualified expenditures" means the costs and expenses incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan which are defined as a qualified rehabilitation expenditure by section 47(c)(2) of the federal internal revenue code;

(2) "qualified historic structure" means any building, whether or not income producing, which is defined as a certified historic structure by section 47(c)(3) of the federal internal revenue code, is individually listed on the register of Kansas historic places, or is located and contributes to a district listed on the register of Kansas historic places;

(3) "qualified rehabilitation plan" means a project which is approved by the cultural resources division of the state historical society, or by a local government certified by the division to so approve, as being consistent with the standards for rehabilitation and guidelines for rehabilitation of historic buildings as adopted by the federal secretary of interior and in effect on the effective date of this act. The society shall adopt rules and regulations providing application and approval procedures necessary to effectively and efficiently provide compliance with this act, and may collect fees in order to defray its approval costs in accordance with rules and regulations adopted therefor; and

(4) "qualified taxpayer" means the owner of the qualified historic structure or any other person who may qualify for the federal rehabilitation credit allowed by section 47 of the federal internal revenue code.

If the taxpayer is a corporation, having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company, or as the corporation, partnership or limited liability company mutually agree as provided in the bylaws or other executed agreement. Credits granted to a partnership, a limited liability company taxed as a partnership or other multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting any alternate distribution method.

(c) Any person, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to subsection (a). The taxpayer acquiring credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of its income, privilege or premiums tax liability for either the taxable year in which the qualified rehabilitation plan was first placed into service or the taxable year in which such acquisition was made. Unused credit amounts claimed by the assignee may be carried forward for up to five

years, except that all such amounts shall be claimed within 10 years following the tax year in which the qualified rehabilitation plan was first placed into service. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the cultural resources division of the state historical society in writing within 90 calendar days following the effective date of the transfer and shall provide any information as may be required by such division to administer and carry out the provisions of this section. The amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee.

New Sec. 32. (a) As used in this section:

(1) "Administrative fee" means those amounts charged by the professional employer organization to the client over and above amounts applied to the mandatory state and federal taxes, wages of assigned workers and amounts applied to premiums or contributions for benefits provided for assigned workers.

(2) "Assigned worker" means a person having an employment relationship with both the professional employer organization and the client.

(3) "Client" means a person who contracts with a professional employer organization to obtain employer services from another person through a professional employer arrangement.

(4) "Person" means an individual, an association, a company, a firm, a partnership, a corporation or any other form of legally recognized entity.

(5) "Professional employer arrangement" means an arrangement, under contract or whereby:

(A) A professional employer organization agrees to employ all or a majority of a client's workforce;

(B) the arrangement is intended to be, or is, ongoing rather than temporary in nature;

(C) employer responsibilities for workers under the arrangement are, in fact shared by the professional employer organization and the client; and

(D) for the purposes of this act, a professional employer arrangement shall not include:

(i) Arrangements wherein a person, whose principal business activity is not entering into professional employer arrangements, shares employees with a commonly owned company within the meaning of section 414(b) and (c) of the federal internal revenue code of 1986, as amended, and which does not hold itself out as a professional employer organization.

(ii) Arrangements in which a person assumes full responsibility for the product or service performed by such person or such person's agents and retains and exercises, both legally and in fact, a right of direction and control over the individuals whose services are supplied under such contractual arrangements, and such person and such person's agents perform a specified function for the client which is separate and divisible from the primary business or operations of the client.

(iii) Any person otherwise subject to this act if, during any fiscal year of the person commencing after July 1, 2000, the person pays total gross wages to employees employed by the person in the state under one or more professional employer arrangements which do not exceed 5% of the total gross wages paid to all employees employed by the person in the state during the same fiscal year under all arrangements described in paragraph (4) and that each person does not advertise or hold itself out to the public as providing services as a professional employer organization.

(6) "Professional employer organization" means any person engaged in providing the services of employees pursuant to one or more professional employer arrangements or any person that represents itself to the public as providing services pursuant to a professional employer arrangement.

(b) A professional employer organization shall be considered an employer for the purposes of withholding state income tax of the assigned workers pursuant to the Kansas income tax act. Commencing after December 31, 1999, the client shall be considered as the employer of an assigned worker under the terms of the professional employer arrangement between the client and the professional employer organization, for purposes of: (1) subsection (d) of K.S.A. 79-32,154, subsection (d) of K.S.A. 74-50,114, K.S.A. 79-32,160a or K.S.A. 2001 Supp. 74-50,131, and amendments thereto; and (2) calculating the client's payroll factor under K.S.A. 79-3283. The client shall provide to the department of revenue

(continued)

the payroll information for assigned workers needed for purposes of administering the above provisions.

New Sec. 33. (a) The value for property tax purposes of any vessel, as defined by K.S.A. 32-1102, and amendments thereto, which is acquired or sold after January 1 and prior to September 1 of any taxable year shall be equal to the value determined therefor pursuant to K.S.A. 79-503a, and amendments thereto, multiplied by: (1) In the case of a sale, a fraction the numerator of which is the number of months, or major portion thereof, such vessel was owned by the record owner thereof during the taxable year in which such vessel was sold, and the denominator of which is 12; and (2) in the case of an acquisition, a fraction the numerator of which is the number of months, or major portion thereof, remaining in the taxable year after the date of acquisition by the record owner thereof, and the denominator of which is 12.

(b) Notice of the acquisition or sale of any such vessel shall be provided by the record owner thereof to the appropriate county appraiser within 30 days after such acquisition or sale. Upon receipt of such notice, and after computation of the value of any such vessel in accordance with the provision of subsection (a), a notification or revised notification of value shall be mailed to the taxpayer.

(c) Vessels acquired after September 1 of a taxable year shall not be subject to assessment and taxation for such year, except as provided by paragraph (1) of subsection (a).

(d) The provisions of this section shall apply to all taxable years commencing after December 31, 2002.

Sec. 34. K.S.A. 12-187 is hereby amended to read as follows: 12-187. (a) (1) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(2) The governing body of any class B city located in any county which does not impose a countywide retailers' sales tax pursuant to paragraph (5) of subsection (b) may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city, county or district hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home health care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Butler, Cowley, Cherokee, Crawford, Ford, Jefferson, Lyon, Montgomery, Neosho, Osage, Ottawa, Riley, Saline, Seward, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon.

The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Cowley, Lyon, Montgomery, Neosho, Riley or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 3, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all

costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of .25%, .5% or .75% and pledging the revenue therefrom for the purpose of financing the costs of the county roads 64 and 65 construction and improvement project. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) *The board of county commissioners of Douglas county may submit to the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.*

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax in the amount of .5% being levied by a city on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance so providing. In addition to any city retailers' sales tax being levied by a city on July 1, 1990, any such city may adopt an additional city retailers' sales tax in the amount of .25% or .5%, provided that such additional tax is adopted and approved in the manner provided for the adoption and approval of a city retailers' sales tax. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) A class D city shall have the same power to levy and collect a city retailers' sales tax that a class A city is authorized to levy and collect and in addition, the governing body of any class D city may submit the question of imposing an additional city retailers' sales tax in the amount of .125%, .25%, .5% or .75% and pledging the revenue received therefrom for economic development initiatives, strategic planning initiatives or for

public infrastructure projects including buildings to the electors at an election called and held thereon. Any additional sales tax imposed pursuant to this paragraph shall expire no later than five years from the date of imposition thereof, except that any such tax imposed by any class D city after the effective date of this act shall expire no later than 10 years from the date of imposition thereof.

(f) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(g) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(h) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 35. K.S.A. 12-189 is hereby amended to read as follows: 12-189. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class A, class B or class C city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75% or 1% which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .10%, .25%, .5%, .75%, 1%, 1.125%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75% and the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%.

(continued)

tion (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, 1.75% or 2%;

(g) the board of county commissioners of Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; or

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%; or

(i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 2001 Supp. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer having a place of business in such city or county setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

New Sec. 36. On or before September 1, 2002, the director of property valuation of the department of revenue shall issue and submit a report pertaining to the interpretation and implementation of the provisions of K.S.A. 79-1476, and amendments thereto, relating to the procedures of valuation of land devoted to agriculture use. Such report shall include a summary of changes in each class of land which have been implemented within the past 10 years, when the change was made, and an explanation of the rationale for each such change. Such report shall

be submitted to the following: The governor, the legislative coordinating council, the house taxation committee and the senate assessment and taxation committee, and shall be made available to the public on the internet.

Sec. 37. K.S.A. 2001 Supp. 79-1476 is hereby amended to read as follows: 79-1476. The director of property valuation is hereby directed and empowered to administer and supervise a statewide program of reappraisal of all real property located within the state. Except as otherwise authorized by K.S.A. 19-428, and amendments thereto, each county shall comprise a separate appraisal district under such program, and the county appraiser shall have the duty of reappraising all of the real property in the county pursuant to guidelines and timetables prescribed by the director of property valuation and of updating the same on an annual basis. In the case of multi-county appraisal districts, the district appraiser shall have the duty of reappraising all of the real property in each of the counties comprising the district pursuant to such guidelines and timetables and of updating the same on an annual basis. Commencing in 2000, every parcel of real property shall be actually viewed and inspected by the county or district appraiser once every six years. Any county or district appraiser shall be deemed to be in compliance with the foregoing requirement in any year if 17% or more of the parcels in such county or district are actually viewed and inspected.

Compilation of data for the initial preparation or updating of inventories for each parcel of real property and entry thereof into the state computer system as provided for in K.S.A. 79-1477, and amendments thereto, shall be completed not later than January 1, 1989. Whenever the director determines that reappraisal of all real property within a county is complete, notification thereof shall be given to the governor and to the state board of tax appeals.

Valuations shall be established for each parcel of real property at its fair market value in money in accordance with the provisions of K.S.A. 79-503a, and amendments thereto.

In addition thereto valuations shall be established for each parcel of land devoted to agricultural use upon the basis of the agricultural income or productivity attributable to the inherent capabilities of such land in its current usage under a degree of management reflecting median production levels in the manner hereinafter provided. A classification system for all land devoted to agricultural use shall be adopted by the director of property valuation using criteria established by the United States department of agriculture soil conservation service. For all taxable years commencing after December 31, 1989, all land devoted to agricultural use which is subject to the federal conservation reserve program shall be classified as cultivated dry land for the purpose of valuation for property tax purposes pursuant to this section. For all taxable years commencing after December 31, 1999, all land devoted to agricultural use which is subject to the federal wetlands reserve program shall be classified as native grassland for the purpose of valuation for property tax purposes pursuant to this section. Productivity of land devoted to agricultural use shall be determined for all land classes within each county or homogeneous region based on an average of the eight calendar years immediately preceding the calendar year which immediately precedes the year of valuation, at a degree of management reflecting median production levels. The director of property valuation shall determine median production levels based on information available from state and federal crop and livestock reporting services, the soil conservation service, and any other sources of data that the director considers appropriate.

The share of net income from land in the various land classes within each county or homogeneous region which is normally received by the landlord shall be used as the basis for determining agricultural income for all land devoted to agricultural use except pasture or rangeland. The net income normally received by the landlord from such land shall be determined by deducting expenses normally incurred by the landlord from the share of the gross income normally received by the landlord. The net rental income normally received by the landlord from pasture or rangeland within each county or homogeneous region shall be used as the basis for determining agricultural income from such land. The net rental income from pasture and rangeland which is normally received by the landlord shall be determined by deducting expenses normally incurred from the gross income normally received by the landlord. Commodity prices, crop yields and pasture and rangeland rental rates and expenses shall be based on an average of the eight calendar years immediately preceding the calendar year which immediately precedes the year of valuation. Net income for every land class within each county or

homogeneous region shall be capitalized at a rate determined to be the sum of the contract rate of interest on new federal land bank loans in Kansas on July 1 of each year averaged over a five-year period which includes the five years immediately preceding the calendar year which immediately precedes the year of valuation, plus a percentage not less than .75% nor more than 2.75%, as determined by the director of property valuation, *except that the capitalization rate calculated for property tax year 2003, and all such years thereafter, shall not be less than 11% nor more than 12%.*

Based on the foregoing procedures the director of property valuation shall make an annual determination of the value of land within each of the various classes of land devoted to agricultural use within each county or homogeneous region and furnish the same to the several county appraisers who shall classify such land according to its current usage and apply the value applicable to such class of land according to the valuation schedules prepared and adopted by the director of property valuation under the provisions of this section.

It is the intent of the legislature that appraisal judgment and appraisal standards be followed and incorporated throughout the process of data collection and analysis and establishment of values pursuant to this section.

For the purpose of the foregoing provisions of this section the phrase "land devoted to agricultural use" shall mean and include land, regardless of whether it is located in the unincorporated area of the county or within the corporate limits of a city, which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, other than that land established as a controlled shooting area pursuant to K.S.A. 32-943, and amendments thereto, which shall be deemed to be land devoted to agricultural use, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

The term "expenses" shall mean those expenses typically incurred in producing the plants, animals and horticultural products described above including management fees, production costs, maintenance and depreciation of fences, irrigation wells, irrigation laterals and real estate taxes, but the term shall not include those expenses incurred in providing temporary or permanent buildings used in the production of such plants, animals and horticultural products.

The provisions of this act shall not be construed to conflict with any other provisions of law relating to the appraisal of tangible property for taxation purposes including the equalization processes of the county and state board of tax appeals.

Sec. 38. K.S.A. 2001 Supp. 79-32,205 is hereby amended to read as follows: 79-32,205. (a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to ~~10%~~ 15% for tax year ~~1998~~ 2002, and all tax years thereafter, of the amount of the earned income credit allowed against such taxpayer's federal income tax liability pursuant to section 32 of the federal internal revenue code for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

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

~~(c) The provisions of this section shall be applicable to all taxable years commencing after December 31, 1997.~~

Sec. 39. On and after July 1, 2002, K.S.A. 2001 Supp. 17-2036 is hereby amended to read as follows: 17-2036. Every business trust shall make an annual report in writing to the secretary of state, showing its financial condition at the close of business on the last day of its tax period under the Kansas income tax act next preceding the date of filing, but if a business trust's tax period is other than the calendar year, it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The reports shall be made on forms provided by the secretary of state and shall be filed at the time prescribed by law for filing the business trust's annual Kansas income tax return, except that if any such business trust shall receive an extension of time

for filing its annual income tax return from the internal revenue service or pursuant to subsection (c) of K.S.A. 79-3221, and amendments thereto, the time for filing the report hereunder shall be extended, correspondingly, upon filing with the secretary of state a copy of the extension granted by the internal revenue service or the director of taxation. The report shall contain the following:

(a) Executed copies of all amendments to the instrument by which the business trust was created, or to prior amendments thereto, which have been adopted and have not theretofore been filed under K.S.A. 17-2033, and amendments thereto, and accompanied by the fee prescribed therein for each such amendment;

(b) a verified list of the names and addresses of its trustees as of the end of its tax period; and

(c) a balance sheet as of the end of its tax period, certified by the trustee, fairly and truly reflecting its assets and liabilities and specifically setting out its corpus, and, in the case of a foreign business trust, fairly and truly reflecting an allocation of its moneys and other assets as between those located, used, or to be used in this state and those located, used or to be used elsewhere.

At the time of filing its annual report, the business trust shall pay to the secretary of state an annual franchise tax in an amount equal to ~~\$1~~ \$2 for each \$1,000 of its corpus as shown by its balance sheet, or, in the case of a foreign business trust, in an amount equal to ~~\$1~~ \$2 for each \$1,000 of that portion of its corpus which is located in or which it uses or intends to use in this state as shown by its balance sheet, except that in any case no such tax shall be less than ~~\$20~~ \$40 nor more than ~~\$2,500~~ \$5,000.

The failure of any domestic or foreign business trust to file its annual report and pay its annual franchise tax within 90 days from the date on which they are due, as aforesaid, shall work a forfeiture of its authority to transact business in this state and all of the remedies, procedures, and penalties specified in K.S.A. 17-7509 and 17-7510, and amendments thereto, with respect to a corporation which fails to file its annual report or pay its annual franchise tax within 90 days after they are due, shall be applicable to such business trust.

Sec. 40. On and after July 1, 2002, K.S.A. 17-4634 is hereby amended to read as follows: 17-4634. (a) Every corporation organized under the electric cooperative act of this state shall make an annual report in writing to the secretary of state, showing the financial condition of the corporation at the close of business on the last day of its tax period next preceding the date of filing, but if any such corporation's tax period is other than the calendar year, it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The report shall be filed on or before the fifteenth day of the fourth month following the close of the tax year of the electric cooperative. An extension for filing the annual report may be granted upon the filing of a written application with the secretary of state prior to the due date of the report, except that no such extension may be granted for a period of more than ninety (90) days. The report shall be made on a form provided by the secretary of state, containing the following information:

- (1) The name of the corporation;
- (2) The location of the principal office;
- (3) The name of the president, secretary and treasurer and the names of directors with the residence address of each;
- (4) The number of memberships issued;
- (5) A balance sheet showing the financial condition of the corporation at the close of business on the last day of its tax period next preceding the date of filing; and
- (6) The change or changes, if any, in the particulars made since the last annual report.

(b) Such reports shall be signed by the president, vice-president or secretary of the corporation, sworn to before an officer duly authorized to administer oaths and forwarded to the secretary of state. At the time of filing such annual report, each such corporation shall pay an annual franchise tax of ~~twenty dollars (\$20)~~ \$40.

Sec. 41. On and after July 1, 2002, K.S.A. 2001 Supp. 17-7503 is hereby amended to read as follows: 17-7503. (a) Every domestic corporation organized for profit shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the corporation at the close of business on the last day of its tax period next preceding the date of filing, but if a corporation's tax period is other than the calendar year, it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The reports

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shall be made on forms prescribed by the secretary of state. The report shall be filed at the time prescribed by law for filing the corporation's annual Kansas income tax return, except that if any such corporation shall apply for an extension of time for filing its annual income tax return under the internal revenue service or under subsection (c) of K.S.A. 79-3221, and amendments thereto, such corporation shall also apply, not more than 90 days after the due date of its annual report, to the secretary of state for an extension of the time for filing the report and an extension shall be granted for a period of time corresponding to that granted under the internal revenue code or K.S.A. 79-3221, and amendments thereto. Such application shall include a copy of the application to income tax authorities. The report shall contain the following information:

- (1) The name of the corporation;
- (2) the location of the principal office;
- (3) the names of the president, secretary, treasurer and members of the board of directors, with the residence address of each;
- (4) the number of shares of capital stock issued and the amount of capital stock paid up;
- (5) the nature and kind of business in which the corporation is engaged; and
- (6) a list of stockholders owning at least 5% of the capital stock of the corporation, with the post office address of each.

(b) Every corporation subject to the provisions of this section which holds agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, within this state shall show the following additional information on the report:

- (1) The acreage and location listed by section, range, township and county of each lot, tract or parcel of agricultural land in this state owned or leased by or to the corporation;
- (2) the purposes for which such agricultural land is owned or leased and, if leased, to whom such agricultural land is leased;
- (3) the value of the nonagricultural assets and the agricultural assets, stated separately, owned and controlled by the corporation both within and without the state of Kansas and where situated;
- (4) the total number of stockholders of the corporation;
- (5) the number of acres owned or operated by the corporation, the number of acres leased by the corporation and the number of acres leased to the corporation;
- (6) the number of acres of agricultural land, held and reported in each category under provision (5), state separately, being irrigated; and
- (7) whether any of the agricultural land held and reported under this subsection was acquired after July 1, 1981.

(c) The report shall be signed by its president, secretary, treasurer or other officer duly authorized so to act, or by any two of its directors, or by an incorporator in the event its board of directors shall not have been elected. The fact that an individual's name is signed on such report shall be prima facie evidence that such individual is authorized to sign the report on behalf of the corporation; however, the official title or position of the individual signing the report shall be designated. This report will be dated and subscribed by the person as true, under penalty of perjury. At the time of filing such annual report it shall be the duty of each domestic corporation organized for profit to pay to the secretary of state an annual franchise tax in an amount equal to ~~\$1~~ \$2 for each \$1,000 of the corporation's shareholder's equity attributable to Kansas, except that no such tax shall be less than ~~\$20~~ \$40 or more than ~~\$2,500~~ \$5,000. The amount of any such franchise tax paid by the corporation to the secretary as provided by this subsection shall not be disclosed by the secretary.

Sec. 42. On and after July 1, 2002, K.S.A. 2001 Supp. 17-7504 is hereby amended to read as follows: 17-7504. (a) Every corporation organized not for profit shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the corporation at the close of business on the last day of its tax period next preceding the date of filing, but if a corporation's tax period is other than the calendar year, it shall give notice thereof to the secretary of state prior to December 31 of the year it commences such tax period. The reports shall be made on forms prescribed by the secretary of state. The report shall be filed on the 15th day of the sixth month following the close of the taxable year, except that such corporation may apply to the secretary of state not more than 90 days after the due date of its annual report for an extension of the time for filing the report, and an extension shall be granted for a period of time corresponding to that granted under the internal revenue code or K.S.A. 79-3221, and amendments thereto. The report shall contain the following information:

- (1) The name of the corporation;
- (2) the location of the principal office;
- (3) the names of the president, secretary and treasurer, and the members of the board of directors, with the residence address of each;
- (4) the number of memberships or the number of shares of capital stock issued and the amount of capital stock paid up.

(b) Every corporation subject to the provisions of this section which holds agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, within this state shall show the following additional information on the report:

- (1) The acreage and location listed by section, range, township and county of each lot, tract or parcel of agricultural land in this state owned or leased by or to the corporation;
- (2) the purposes for which such agricultural land is owned or leased and, if leased, to whom such agricultural land is leased;
- (3) the value of the nonagricultural assets and the agricultural assets, stated separately, owned and controlled by the corporation both within and without the state of Kansas and where situated;
- (4) the total number of stockholders of the corporation;
- (5) the number of acres owned or operated by the corporation, the number of acres leased by the corporation and the number of acres leased to the corporation;
- (6) the number of acres of agricultural land, held and reported in each category under paragraph (5) of this subsection (b), stated separately, being irrigated; and
- (7) whether any of the agricultural land held and reported under this subsection was acquired after July 1, 1981.

(c) The report shall be signed by its president, secretary, treasurer or other officer duly authorized so to act, or by any two of its directors, or by an incorporator in the event its board of directors shall not have been elected. The fact that an individual's name is signed on such report shall be prima facie evidence that such individual is authorized to sign the report on behalf of the corporation; however, the official title or position of the individual signing the report shall be designated. This report will be dated and subscribed by the person as true, under penalty of perjury. At the time of filing such report, each nonprofit corporation shall pay an annual privilege fee of ~~\$5~~, except that the annual fee for tax periods ending after December 31, 2002, shall be ~~\$20~~ \$40 for all tax years commencing after December 31, 2001.

Sec. 43. On and after July 1, 2002, K.S.A. 2001 Supp. 17-7505 is hereby amended to read as follows: 17-7505. (a) Every foreign corporation organized for profit, or organized under the cooperative type statutes of the state, territory or foreign country of incorporation, now or hereafter doing business in this state, and owning or using a part or all of its capital in this state, and subject to compliance with the laws relating to the admission of foreign corporations to do business in Kansas, shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the corporation at the close of business on the last day of its tax period next preceding the date of filing, but if a corporation operates on a fiscal year other than the calendar year it shall give written notice thereof to the secretary of state prior to December 31 of the year commencing such fiscal year. The report shall be made on a form prescribed by the secretary of state. The report shall be filed at the time prescribed by law for filing the corporation's annual Kansas income tax return, except that if any such corporation shall apply for an extension of time for filing its annual income tax return under the internal revenue service or under subsection (c) of K.S.A. 79-3221, and amendments thereto, such corporation shall also apply, not more than 90 days after the due date of its annual report, to the secretary of state for an extension of the time for filing the report and an extension shall be granted for a period of time corresponding to that granted under the internal revenue code or K.S.A. 79-3221, and amendments thereto. Such application shall include a copy of the application to income tax authorities. The report shall contain the following facts:

- (1) The name of the corporation and under the laws of what state or country organized;
- (2) the location of its principal office;
- (3) the names of the president, secretary, treasurer and members of the board of directors, with the residence address of each;
- (4) the number of shares of capital stock issued and the amount of capital stock paid up;

(5) the nature and kind of business in which the company is engaged and its place or places of business both within and without the state of Kansas;

(6) the value of the property owned and used by the company in Kansas, where situated, and the value of the property owned and used outside of Kansas and where situated; and

(7) the corporation's shareholder's equity attributable to Kansas.

(b) Every corporation subject to the provisions of this section which holds agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, within this state shall show the following additional information on the report:

(1) the acreage and location listed by section, range, township and county of each lot, tract or parcel of agricultural land in this state owned or leased by or to the corporation;

(2) the purposes for which such agricultural land is owned or leased and, if leased, to whom such agricultural land is leased;

(3) the value of the nonagricultural assets and the agricultural assets, stated separately, owned and controlled by the corporation both within and without the state of Kansas and where situated;

(4) the total number of stockholders of the corporation;

(5) the number of acres owned or operated by the corporation, the number of acres leased by the corporation and the number of acres leased to the corporation;

(6) the number of acres of agricultural land, held and reported in each category under paragraph (5) of this subsection (b), stated separately, being irrigated; and

(7) whether any of the agricultural land held and reported under this subsection was acquired after July 1, 1981.

The report shall be signed by its president, secretary, treasurer or other officer duly authorized so to act, or by any two of its directors, or by an incorporator in the event its board of directors shall not have been elected. The fact that an individual's name is signed on such report shall be prima facie evidence that such individual is authorized to sign the report on behalf of the corporation; however, the official title or position of the individual signing the report shall be designated. This report will be dated and subscribed by the person as true, under penalty of perjury. At the time of filing its annual report, each such foreign corporation shall pay to the secretary of state an annual franchise tax in an amount equal to ~~the~~ \$2 for each \$1,000 of the corporation's shareholder's equity attributable to Kansas, except that no such tax shall be less than ~~the~~ \$40 or more than ~~the~~ \$5,000. The amount of any such franchise tax paid by the foreign corporation to the secretary as provided by this subsection shall not be disclosed by the secretary.

Sec. 44. On and after July 1, 2002, K.S.A. 2001 Supp. 17-76,139 is hereby amended to read as follows: 17-76,139. (a) Every limited liability company organized under the laws of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability company at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability company's tax period is other than the calendar year, it shall give notice of its different tax period in writing to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability company's annual Kansas income tax return. If the limited liability company applies for an extension of time for filing its annual income tax return under the internal revenue code, the limited liability company shall also apply, not more than 90 days after the due date of its annual report, to the secretary of state for an extension of the time for filing its report and an extension shall be granted for a period of time corresponding to that granted under the internal revenue code. The application shall include a copy of the application to income tax authorities. The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the following information:

(1) The name of the limited liability company; and

(2) a list of the members owning at least 5% of the capital of the company, with the post office address of each.

(b) Every foreign limited liability company shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability company at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability company's tax period is other than the calendar year, it shall give notice in writing of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The

annual report shall be filed at the time prescribed by law for filing the limited liability company's annual Kansas income tax return. If the limited liability company applies for an extension of time for filing its annual income tax return under the internal revenue code, the limited liability company also shall apply, not more than 90 days after the due date of its annual report, to the secretary of state for an extension of the time for filing its report and an extension shall be granted for a period of time corresponding to that granted under the internal revenue code. The application shall include a copy of the application to income tax authorities. The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the name of the limited liability company.

(c) The annual report required by this section shall be signed by a member of the limited liability company and forwarded to the secretary of state. At the time of filing the report, the limited liability company shall pay to the secretary of state an annual franchise tax in an amount equal to ~~the~~ \$2 for each \$1,000 of the net capital accounts located in or used in this state at the end of the preceding taxable year as required to be reported on the federal partnership return of income, or for a one-member LLC taxed as a sole proprietorship, ~~the~~ \$2 for each \$1,000 of net book value of the LLC as calculated on an income tax basis located in or used in this state at the end of the preceding taxable year, except that no annual tax shall be less than ~~the~~ \$40 or more than ~~the~~ \$5,000. The amount of any such franchise tax paid by the limited liability company to the secretary as provided by this subsection shall not be disclosed by the secretary.

(d) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required franchise tax, and the provisions of subsection (a) of K.S.A. 17-7510 and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required franchise tax, shall be applicable to the articles of organization of any domestic limited liability company or to the authority of any foreign limited liability company which fails to file its annual report or pay the franchise tax within 90 days of the time prescribed in this section for filing and paying the same. Whenever the articles of organization of a domestic limited liability company or the authority of any foreign limited liability company are forfeited for failure to file an annual report or to pay the required franchise tax, the domestic limited liability company or the authority of a foreign limited liability company may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees and taxes, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of extension, restoration, renewal or revival of a corporation's articles of incorporation.

(e) When reinstatement is effective, it relates back to and takes effect as of the effective date of the forfeiture and the company may resume its business as if the forfeiture had never occurred.

(f) No limited liability company shall be required to file its first annual report under this act, or pay any annual franchise tax required to accompany such report, unless such limited liability company has filed its articles of organization or application for authority at least six months prior to the last day of its tax period. If any limited liability company files with the secretary of state a notice of change in its tax period and the next annual report filed by such limited liability company subsequent to such notice is based on a tax period of less than 12 months, the annual tax liability shall be determined by multiplying the annual franchise tax liability for such year by a fraction, the numerator of which is the number of months or any portion thereof covered by the annual report and the denominator of which is 12, except that the tax shall not be less than ~~the~~ \$40.

Sec. 45. On and after July 1, 2002, K.S.A. 17-7507 is hereby amended to read as follows: 17-7507. No corporation shall be required to file its first annual report under this act, or pay any annual franchise tax required to accompany such report, unless such corporation has filed its articles of incorporation or certificate of good standing at least six months prior to the last day of its tax period. If any corporation shall file with the secretary of state a notice of change in its tax period, and the next annual report filed by such corporation subsequent to such notice is based on a tax period of less than 12 months. The annual tax liability shall be determined by multiplying the annual franchise tax liability for such year by a fraction the numerator of which is the number of months, or

(continued)

any portion thereof, covered by the annual report and the denominator of which is 12. Notwithstanding the foregoing, the minimum annual franchise tax shall be ~~\$20~~. ~~This section shall be applicable to all annual reports filed by corporations with tax periods ending after November 30, 1987~~ \$40.

Sec. 46. On and after July 1, 2002, K.S.A. 2001 Supp. 56-1a606 is hereby amended to read as follows: 56-1a606. (a) Every limited partnership organized under the laws of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited partnership at the close of business on the last day of its tax period next preceding the date of filing. If the limited partnership's tax period is other than the calendar year, it shall give notice of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited partnership's annual Kansas income tax return. If the limited partnership applies for an extension of time for filing its annual income tax return under the internal revenue code or under K.S.A. 79-3221 and amendments thereto, the limited partnership shall also apply, not more than 90 days after the due date of its annual report, to the secretary of state for an extension of the time for filing its report and an extension shall be granted for a period of time corresponding to that granted under the internal revenue code or K.S.A. 79-3221 and amendments thereto. The application shall include a copy of the application to income tax authorities.

(b) The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the following information:

- (1) The name of the limited partnership; and
- (2) a list of the partners owning at least 5% of the capital of the partnership, with the post office address of each.

(c) Every limited partnership subject to the provisions of this section which is a limited corporate partnership, as defined in K.S.A. 17-5903 and amendments thereto, and which holds agricultural land, as defined in K.S.A. 17-5903 and amendments thereto, within this state shall show the following additional information on the report:

- (1) The number of acres and location, listed by section, range, township and county of each lot, tract or parcel of agricultural land in this state owned or leased by the limited partnership; and
- (2) whether any of the agricultural land held and reported under subsection (c)(1) was acquired after July 1, 1981.

(d) The annual report shall be signed by the general partner or partners of the limited partnership, sworn to before an officer duly authorized to administer oaths and forwarded to the secretary of state. At the time of filing the report, the limited partnership shall pay to the secretary of state an annual franchise tax in an amount equal to ~~\$1~~ \$2 for each \$1,000 of the partners' net capital accounts located in or used in this state at the end of the preceding taxable year as required to be reported on the federal partnership return of income, except that no annual tax shall be less than ~~\$20~~ \$40 or more than ~~\$2,500~~ \$5,000. The amount of any such franchise tax paid by the limited partnership to the secretary as provided by this subsection shall not be disclosed by the secretary.

(e) The provisions of K.S.A. 17-7509 and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required franchise tax, and the provisions of subsection (a) of K.S.A. 17-7510 and amendments thereto, relating to forfeiture of a domestic corporation's articles of incorporation for failure to file an annual report or pay the required franchise tax, shall be applicable to the certificate of partnership of any limited partnership which fails to file its annual report or pay the franchise tax within 90 days of the time prescribed in this section for filing and paying the same. Whenever the certificate of partnership of a limited partnership is forfeited for failure to file an annual report or to pay the required franchise tax, the limited partnership may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees and taxes, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506 and amendments thereto for filing a certificate of extension, restoration, renewal or revival of a corporation's articles of incorporation.

Sec. 47. On and after July 1, 2002, K.S.A. 2001 Supp. 56-1a607 is hereby amended to read as follows: 56-1a607. (a) Every foreign limited partnership shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited partnership at the close of business on the last day of its tax period next preceding

the date of filing. If the limited partnership's tax period is other than the calendar year, it shall give notice of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited partnership's annual Kansas income tax return. If the limited partnership applies for an extension of time for filing its annual income tax return under the internal revenue code or under K.S.A. 79-3221 and amendments thereto, the limited partnership shall also apply, not more than 90 days after the due date of its annual report, to the secretary of state for an extension of the time for filing its report and an extension shall be granted for a period of time corresponding to that granted under the internal revenue code or K.S.A. 79-3221 and amendments thereto. The application shall include a copy of the application to income tax authorities.

(b) The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the name of the limited partnership.

(c) Every foreign limited partnership subject to the provisions of this section which is a limited corporate partnership, as defined in K.S.A. 17-5903 and amendments thereto, and which holds agricultural land, as defined in K.S.A. 17-5903 and amendments thereto, within this state shall show the following additional information on the report:

(1) The number of acres and location, listed by section, range, township and county of agricultural land in this state owned or leased by the limited partnership; and

(2) whether any of the agricultural land held and reported under subsection (c)(1) was acquired after July 1, 1981.

(d) The annual report shall be signed by the general partner or partners of the limited partnership, sworn to before an officer duly authorized to administer oaths and forwarded to the secretary of state. At the time of filing the report, the foreign limited partnership shall pay to the secretary of state an annual franchise tax in an amount equal to ~~\$1~~ \$2 for each \$1,000 of the partners' net capital accounts located in or used in this state at the end of the preceding taxable year as required to be reported on the federal partnership return of income, except that no annual tax shall be less than ~~\$20~~ \$40 or more than ~~\$2,500~~ \$5,000. The amount of any such franchise tax paid by the limited partnership to the secretary as provided by this subsection shall not be disclosed by the secretary.

(e) The provisions of K.S.A. 17-7509 and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required franchise tax, and the provisions of subsection (b) of K.S.A. 17-7510 and amendments thereto, relating to forfeiture of a foreign corporation's authority to do business in this state for failure to file an annual report or pay the required franchise tax, shall be applicable to the authority of any foreign limited partnership which fails to file its annual report or pay the franchise tax within 90 days of the time prescribed in this section for filing and paying the same. Whenever the authority of a foreign limited partnership to do business in this state is forfeited for failure to file an annual report or to pay the required franchise tax, the foreign limited partnership's authority to do business in this state may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees and taxes, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506 and amendments thereto for filing a certificate of extension, restoration, renewal or revival of a corporation's articles of incorporation.

Sec. 48. On and after July 1, 2002, K.S.A. 2001 Supp. 56a-1201 is hereby amended to read as follows: 56a-1201. (a) Every limited liability partnership organized under the laws of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability partnership at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability partnership's tax period is other than the calendar year, it shall give notice of its different tax period in writing to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability partnership's annual Kansas income tax return. If the limited liability partnership applies for an extension of time for filing its annual income tax return under the internal revenue code, the limited liability partnership shall also apply, not more than 90 days after the due date of its annual report, to the secretary of state for an extension of the time for filing its report and an extension shall be granted for a



period of time corresponding to that granted under the internal revenue code. The application shall include a copy of the application to income tax authorities.

(b) The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the following information:

(1) The name of the limited liability partnership; and

(2) a list of the partners owning at least 5% of the capital of the partnership, with the post office address of each.

(c) The annual report shall be signed by a partner of the limited liability partnership and forwarded to the secretary of state. At the time of filing the report, the limited liability partnership shall pay to the secretary of state an annual franchise tax in an amount equal to ~~\$1~~ \$2 for each \$1,000 of the net capital accounts located in or used in this state at the end of the preceding taxable year as required to be reported on the federal partnership return of income, except that no annual tax shall be less than ~~\$20~~ \$40 or more than ~~\$2,500~~ \$5,000. The amount of any such franchise tax paid by the limited liability partnership to the secretary as provided by this subsection shall not be disclosed by the secretary.

(d) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required franchise tax, and the provisions of subsection (a) of K.S.A. 17-7510 and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required franchise tax, shall be applicable to the statement of qualification of any limited liability partnership which fails to file its annual report or pay the franchise tax within 90 days of the time prescribed in this section for filing and paying the same. Whenever the statement of qualification of a limited liability partnership is forfeited for failure to file an annual report or to pay the required franchise tax, the limited liability partnership may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees and taxes, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of extension, restoration, renewal or revival of a corporation's articles of incorporation.

Sec. 49. On and after July 1, 2002, K.S.A. 2001 Supp. 56a-1202 is hereby amended to read as follows: 56a-1202. (a) Every foreign limited liability partnership shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the foreign limited liability partnership at the close of business on the last day of its tax period next preceding the date of filing. If the foreign limited liability partnership's tax period is other than the calendar year, it shall give notice in writing of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the foreign limited liability partnership's annual Kansas income tax return. If the foreign limited liability partnership applies for an extension of time for filing its annual income tax return under the internal revenue code, the foreign limited liability partnership shall also apply, not more than 90 days after the due date of its annual report, to the secretary of state for an extension of the time for filing its report and an extension shall be granted for a period of time corresponding to that granted under the internal revenue code. The application shall include a copy of the application to income tax authorities.

(b) The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the name of the foreign limited liability partnership.

(c) The annual report shall be signed by a partner of the foreign limited liability partnership and forwarded to the secretary of state. At the time of filing the report, the foreign limited liability partnership shall pay to the secretary of state an annual franchise tax in an amount equal to ~~\$1~~ \$2 for each \$1,000 of the net capital accounts located in or used in this state at the end of the preceding taxable year as required to be reported on the federal partnership return of income, except that no annual tax shall be less than ~~\$20~~ \$40 or more than ~~\$2,500~~ \$5,000. The amount of any such franchise tax paid by the foreign limited liability partnership to the secretary as provided by this subsection shall not be disclosed by the secretary.

(d) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required franchise tax, and the provisions of subsection (a) of K.S.A. 17-7510, and amendments thereto, relating to penalties for failure

of a corporation to file an annual report or pay the required franchise tax, shall be applicable to the statement of foreign qualification of any foreign limited liability partnership which fails to file its annual report or pay the franchise tax within 90 days of the time prescribed in this section for filing and paying the same. Whenever the statement of foreign qualification of a foreign limited liability partnership is forfeited for failure to file an annual report or to pay the required franchise tax, the statement of foreign qualification of the foreign limited liability partnership may be reinstated by filing a certificate of reinstatement, in the manner and form to be prescribed by the secretary of state and paying to the secretary of state all fees and taxes, including any penalties thereon, due to the state. The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of extension, restoration, renewal or revival of a corporation's articles of incorporation.

Sec. 50. On and after July 1, 2002, K.S.A. 2001 Supp. 56a-1203 is hereby amended to read as follows: 56a-1203. No limited liability partnership or foreign limited liability partnership shall be required to file its first annual report under this act, or pay any annual franchise tax required to accompany such report, unless such partnership has filed its statement of qualification or foreign qualification at least six months prior to the last day of its tax period. If any such partnership files with the secretary of state a notice of change in its tax period and the next annual report filed by such partnership subsequent to such notice is based on a tax period of less than 12 months, the annual tax liability shall be determined by multiplying the annual franchise tax liability for such year by a fraction, the numerator of which is the number of months or any portion thereof covered by the annual report and the denominator of which is 12, except that the tax shall not be less than ~~\$20~~ \$40.

Sec. 51. On and after July 1, 2002, K.S.A. 17-4634, 17-7507, 79-3310 and 79-3312 and K.S.A. 2001 Supp. 17-2036, 17-7503, 17-7504, 17-7505, 17-76,139, 56-1a606, 56-1a607, 56a-1201, 56a-1202, 56a-1203, 79-3311, 79-3603, 79-3603, as amended by section 1 of 2002 Senate Bill No. 372, 79-3620, 79-3635, 79-3703 and 79-3710 are hereby repealed.

Sec. 52. K.S.A. 12-187, 12-189, 12-189e, 79-2401a, 79-2803a, 79-3226, 79-3271 and 79-3279 and K.S.A. 2001 Supp. 79-201w, 79-1476, 79-3295, 79-32,100a, 79-32,205, 79-32,206 and 79-32,211 are hereby repealed.

Sec. 53. This act shall take effect and be in force from and after its publication in the Kansas register.

**(Editor's Note: Sections of the following bill were vetoed by the Governor and sustained by the Legislature. The Governor's line-item veto message is printed immediately following the bill.)**

(Published in the Kansas Register June 6, 2002.)

#### SENATE BILL No. 517

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2002, June 30, 2003, June 30, 2004, June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 75-2319 and K.S.A. 2001 Supp. 55-193, 79-2959, 79-2964, 79-3425i, 79-34,147, 79-4804 and 82a-953a and repealing the existing sections; also repealing section 100 of chapter 144 and section 59 of chapter 216 of the 2001 Session Laws of Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) For the fiscal years ending June 30, 2002, June 30, 2003, June 30, 2004, June 30, 2005, and June 30, 2006, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

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

(d) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702 and amendments thereto.

(continued)

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458 and amendments thereto, to following claimants:

Terry B. Aller 1273 220th Hiawatha, KS 66434 .....	\$152.93	Norma Gitchel 131 Hunter Rd Phillipsburg, KS 67661 .....	\$590.78
Robert W. Altic 3495 Delaware Rd Pomona, KS 66076 .....	\$5.60	Kenneth R. Greene 216 Granite Rd Tescott, KS 67484 .....	\$5.00
Max J. Amos 649 Hwy 56 Council Grove, KS 66846 .....	\$218.88	Gerald L. Haag 1393 Rd 75 Olpe, KS 66865 .....	\$37.20
APAC Kansas Inc. PO Box 23910 Overland Park, KS 66283 .....	\$26,552.39	Greg Hallgren RR 1 Box 132 Alta Vista, KS 66834 .....	\$63.80
Barnhart Farms 4019 Louisiana Rd Ottawa, KS 66067 .....	\$98.60	Lowell D. Hamilton 1626 5th Rd Marysville, KS 66508 .....	\$83.00
Barnhart Farms 4019 Louisiana Rd Ottawa, KS 66067 .....	\$95.40	Hardman Wholesale Co PO Box 10 Osborne, KS 67473 .....	\$96.20
Barton County Highway Dept PO Box 518 Great Bend, KS 67530 .....	\$4,599.29	Mrs. R. J. Hein RR 1 Box 127 Fall River, KS 67047 .....	\$147.24
Roger Bechtel Rt 1 Box 140 Eureka, KS 67045 .....	\$254.43	Stanley D. Holmes 10620 SW Hwy 69 Baxter Springs, KS 66713 .....	\$194.76
Raymond C. Becker 169 Hwy 20 West Lancaster, KS 66041 .....	\$378.36	Irons Feed Yard 11252 Wildfire Rd Minneota, KS 67865 .....	\$35.00
Blackjack Express Inc. PO Box 129 Woodlake, MN 56297 .....	\$84.00	Marlin Jacobson 13543 I38th Valley Falls, KS 66088 .....	\$172.98
Larry Blume 9010 Water Mill Rd Wamego, KS 66547 .....	\$168.30	Kenneth R. King 1045 SW 170th Street Leon, KS 67074 .....	\$91.40
Frank Bossi 9339 312th Rd Arkansas City, KS 67005 .....	\$85.00	Kevin W. or Mary Ann Kniebel 428 S. 2600 Rd White City, KS 66872 .....	\$236.52
Myron Bouray 1808 "M" Belleville, KS 66935 .....	\$50.40	L R M Industries Inc. PO Box 4150 Lawrence, KS 66046 .....	\$9,588.47
Roy C. Brown RR 2 Box 146 Lebanon, KS 66952 .....	\$9.40	Lamont Hill Resort Inc. 22975 K. Hwy 368 Vassar, KS 66543 .....	\$243.72
Charles Bruner PO Box 3 Uniontown, KS 66779 .....	\$86.04	Eddie Lauer 510 E. Whittier St Francis, KS 67756 .....	\$472.64
Norma J. Bruntilius Rt 2 Box 24 Belleville, KS 66935 .....	\$8.40	Neal Lehw 1172 Nighthawk Rd Horton, KS 66439 .....	\$712.87
City of Alma PO Box 444 Alma, KS 66401 .....	\$106.40	John V. Linot 21749 SW Meadowlark Rd Douglas, KS 67039 .....	\$86.60
Dean Constable 2429 12th Rd Blue Rapids, KS 66411 .....	\$106.00	Macfee Farms LLC Rt 1 Box 17 Lebanon, NE 69036 .....	\$115.00
John or Sharon DeBusk 1105 NE 100 Rd Claffin, KS 67525 .....	\$42.06	Peter G. McKenna 1940 Abbey Rd Kingman, KS 67068 .....	\$24.38
Howard DeLange PO Box 7 Girard, KS 66743 .....	\$522.40	Mid Kansas Cap 111 W. Ash El Dorado, KS 67042 .....	\$859.14
Kenneth H. Garrett 981 9th Rd SW Burlington, KS 66839 .....	\$41.00	Raymond Austin Moody 14730 SE Norton Rd Kincaid, KS 66039 .....	\$125.00
Gasel Transportation Lines Inc. PO Box 1199 Marietta, OH 45750 .....	\$17.60	N & J Inc 1417 Ash Harper, KS 67058 .....	\$62.22
		National Compressed Steel Corp PO Box 5246 Kansas City, KS 66119 .....	\$180.00

Otters Inc HC 1 Box 143 Clayton, KS 67629.....	\$155.70
Parkman Farms 1754 Road 180 Emporia, KS 66801.....	\$18.46
Peterson Farm & Livestock, Inc. 10729 S. Simpson Rd Assaria, KS 67416.....	\$228.91
Prairie Dunes Country Club 4812 E 30th Hutchinson, KS 67502.....	\$216.00
Albert J. Ree RR 1 Box 31 McCracken, KS 67556.....	\$45.00
Vernon J. Riemann 1945 NE 80 Ave. Claflin, KS 67525.....	\$41.00
Lloyd H. Scheid 223 Vermont Holton, KS 66436.....	\$234.00
Sedgwick Co Central Mtr Pool 1015 Stillwell Wichita, KS 67213.....	\$11,035.13
Seward County Road & Bridge 1703 W 8th Str Liberal, KS 67901.....	\$2,217.01
Bruce Spare 10501 S. Simpson Rd Assaria, KS 67416.....	\$215.10
Roger Stone 12990 Crooked Creek Road Leonardville, KS 66449.....	\$499.50
Supreme Cattle Feeders PO Box 708 Liberal, KS 67905.....	\$16,689.82
Arvilla M. (Bell) Taylor RR 1 Box 81 Studley, KS 67740.....	\$300.33
John M. Trear 1554 Rd 40 Olpe, KS 66865.....	\$14.00
Tremo Corporation - T. E. Bird 978 Coyote Road Toronto, KS 66777.....	\$333.18
Trinity Jr/Sr Catholic HS 1400 East 17th Street Hutchinson, KS 67501.....	\$602.91
Trinity Jr/Sr Catholic HS 1400 East 17th Street Hutchinson, KS 67501.....	\$128.00
Lynn M. True 120 West 3rd Street Smith Center, KS 66967.....	\$417.06
S.D. Underhill 1070 Hwy 18 Abilene, KS 67410.....	\$88.82
USD #293 PO Box 429 Quinter, KS 67752.....	\$641.70
USD #402 301 W Kelly Augusta, KS 67010.....	\$3,970.40
USD 411-Goessel 100 E. Main, PO Box 6 Goessel, KS 67053.....	\$738.07
USD 415 PO Box 398 Hiawatha, KS 66434.....	\$2,476.17

USD 428 201 Patton Rd Great Bend, KS 67530.....	\$3,977.60
USD 456-Marais Des Cygnes PO Box 158 Melvern, KS 66510.....	\$3,869.44
USD 468-Healy 5006 N. Dodge Road Healy, KS 67850.....	\$209.36
VMC 44080 Highway 17 South Vernon, AL 35592.....	\$472.63
W & L Dirt Construction Inc. 150 N. Main Suite 801 Wichita, KS 67202.....	\$460.55
Wichita Country Club PO Box 8105 Munger Station Wichita, KS 67208.....	\$1,011.96
Wildcat Concrete Serv Inc. PO Box 750075 Topeka, KS 66675.....	\$98.16
Wildcat Creek Sports Center 800 Anneberg Circle Manhattan, KS 66503.....	\$363.17
Robert Winderlin 993 Highway 4 Scott City, KS 67871.....	\$454.68
Carl F. Zirger 18586 R4 Rd Mayetta, KS 66509.....	\$63.66

Sec. 3. The Kansas state fair is hereby authorized and directed to pay the following amount from the state fair fee fund as reimbursement for out-of-pocket medical expenses resulting from personal injuries sustained at the state fairgrounds, to the following claimant:

Diana M. Hughes 9706 West 4th Nickerson, KS 67561.....	\$291.32
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Sec. 4. The Kansas sentencing commission is hereby authorized and directed to pay the following amount from the statistical analysis—federal fund for payment for certain office products purchased, the invoice for which was submitted or processed in an untimely manner, to the following claimant:

Boise Cascade Office Products P.O. Box 92735 Chicago, IL 60675-2735.....	\$120.83
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Sec. 5. (a) The department of revenue is hereby authorized and directed to pay the following amount from the income tax refund fund as reimbursement for tax refunds which were mistakenly applied as setoffs for debts owed by claimant's husband to the following claimant:

Maria Arcelita R. Bolyard HC 1, Box 69 Bird City, KS 67731.....	\$1,148.00
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(b) The department of revenue is hereby authorized and directed to pay the following amount from the sales tax refund fund as reimbursement for sales taxes paid on exempt utility purchases to pressurize water for distribution, to the following claimant:

City of Topeka, c/o John R. Luttjohann, Attorney 4848 SW 21st St., Suite 201 Topeka, KS 66604.....	\$63,590.00
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Sec. 6. (a) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility—facilities operations account of the state general fund, as reimbursement for court costs, property loss, lost wages, lab tests and postage expenses incurred by claimant in successfully challenging a facility disciplinary report finding of a positive drug screen, to the following claimant:

Charles Johnson #54497 P.O. Box 2 Lansing, KS 66043.....	\$286.92
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(b) The department of corrections is hereby authorized and directed

*(continued)*

to pay the following amount from the El Dorado correctional facility—facilities operations account of the state general fund for loss of claimant's personal property while in the care, custody and control of the personnel at the El Dorado correctional facility, to the following claimant:

Troy Johnson #54270  
P.O. Box 311  
El Dorado, KS 67042..... \$25.58

(c) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado correctional facility—facilities operations account of the state general fund for loss of claimant's personal property while in the care, custody and control of the personnel at the El Dorado correctional facility, to the following claimant:

Greg Orozco, Johnson County Adult Detention Center  
101 N. Kansas Ave.  
Olathe, KS 66061..... \$10.00

(d) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado correctional facility—facilities operations account of the state general fund for loss of claimant's personal property while in the care, custody and control of the personnel at the El Dorado correctional facility, to the following claimant:

Monte Johnston #67146  
P.O. Box 311  
El Dorado, KS 67042..... \$128.95

(e) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado correctional facility—facilities operations account of the state general fund for loss of claimant's personal property while in the care, custody and control of the personnel at the El Dorado correctional facility, to the following claimant:

Edgar R. Banks #47160  
P.O. Box 2  
Lansing, KS 66043..... \$86.76

(f) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correction facility—facilities operations account of the state general fund as reimbursement for paint overspray damage to claimant's car parked in the facility's employee parking lot, to the following claimant:

Doug Neuschafer  
8522 Schweger Court #712  
Lenexa, KS 66219..... \$1,000.00

(g) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility—facilities operations account of the state general fund as reimbursement for paint overspray damage to claimant's car parked in the facility's employee parking lot, to the following claimant:

Tim Bradeen  
611 Morgan Street  
Lansing, KS 66043..... \$1,175.00

Sec. 7. (a) The department of administration is hereby authorized and directed to pay the following amount from the cancelled warrants payment fund of the above agency as reimbursement for a cancelled pay-roll warrant to the following claimant:

Virginia Smith  
1031 W. 2nd  
Larned, KS 67550..... \$1,864.25

(b) The department of administration is hereby authorized and directed to pay the following amount from the cancelled warrants payment fund of the above agency as reimbursement for a cancelled warrant to the following claimant:

Robert A. Bechtel  
1419 Martway Circle, Apt. C  
Olathe, KS 66061-5813..... \$92.00

(c) The department of administration is hereby authorized and directed to pay the following amount from the cancelled warrants payment fund of the above agency as reimbursement for a cancelled warrant to the following claimant:

Richard W. Dougherty  
335 Point Drive  
Great Bend, KS 67530..... \$91.00

Sec. 8. (a) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the

state operations account of the state general fund of the above agency the amount of \$12,762.04, from the foster care assistance federal fund, the amount of \$5,613.24, and from the medical assistance federal fund, the amount of \$255.24, fund for reimbursement for attorney fees and other related expenses incurred in child in need of care proceedings, to the following claimants:

Steve and Susan Moore  
471 N. Mulberry  
Gardner, KS 66030..... \$18,630.72

Sec. 9. (a) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the state operations account of the state general fund of the above agency the amount of \$5,781.33, from the foster care assistance federal fund, the amount of \$2,542.94, and from the medical assistance federal fund, the amount of \$115.63, as reimbursement for attorney fees and other related expenses incurred in a child in need of care action, to the following claimants:

Scott and Susan House  
107 S. Choctaw  
Dewey, OK 74029..... \$8,439.90

(b) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the state operations account of the state general fund, of the above agency the amount of \$16,509.20, from the foster care assistance federal fund the amount of \$7,261.64, from the medical assistance federal fund the amount of \$330.18, as reimbursement for psychological tests and other related expenses incurred by grandparents in a child in need of care action, to the following claimants:

Clair and Shirley Gordon  
201 East 2nd Ave.  
Caney, KS 67333..... \$24,101.02

(c) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the state operations account of the state general fund to reimburse the imprest fund for an unpaid debt, to the following claimant:

SRS Imprest Fund #23  
Docking State Office Building, 11th Floor  
Topeka, KS 66612..... \$2,114.91

Sec. 10. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives, or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by this act, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 11.

BOARD OF ACCOUNTANCY

(a) On the effective date of this act, the expenditure limitation for the fiscal year ending June 30, 2003, established by section 80(a) of chapter 144 of the 2001 Session Laws of Kansas on the board of accountancy fee fund is hereby increased from \$187,915 to \$189,663.

Sec. 12.

STATE BANK COMMISSIONER

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

Consumer education settlement fund  
For the fiscal year ending June 30, 2002..... No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2002, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and

mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2003 ..... No limit  
*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2003, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

(b) (1) During the fiscal year ending June 30, 2002, on and after the effective date of this act and notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104 and amendments thereto or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlements shall be deposited in the state treasury to the credit of the consumer education settlement fund.

(2) During the fiscal year ending June 30, 2003, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104 and amendments thereto or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlements shall be deposited in the state treasury to the credit of the consumer education settlement fund.

(c) (1) During the fiscal year ending June 30, 2002, one or more transfers of moneys may be made from the bank commissioner fee fund to the appropriate account of the restricted fees fund of Wichita state university pursuant to a contract which is hereby authorized to be entered into by the deputy commissioner of the consumer and mortgage lending division and the Kansas council on economic education of Wichita state university to conduct a consumer credit education program: *Provided, however*, That the total amount of such transfers for the fiscal year ending June 30, 2002, shall not exceed \$70,000.

(2) During the fiscal year ending June 30, 2003, one or more transfers of moneys may be made from the bank commissioner fee fund to the appropriate account of the restricted fees fund of Wichita state university pursuant to a contract which is hereby authorized to be entered into by the deputy commissioner of the consumer and mortgage lending division and the Kansas council on economic education of Wichita state university to conduct a consumer credit education program: *Provided, however*, That the total amount of such transfers for the fiscal year ending June 30, 2003, shall not exceed \$70,000.

(d) (1) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 20(a) of chapter 216 of the 2001 Session Laws of Kansas on the bank commissioner fee fund is hereby decreased from \$5,309,201 to \$5,257,221.

(2) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by subsection (d)(1) of this section on the bank commissioner fee fund is hereby increased from \$5,257,221 to \$5,344,457: *Provided*, That the additional \$87,236 of expenditure authority provided by this subsection (d)(2) shall be used only for expenditures for salaries and wages, including associated employer contributions, for the implementation of Executive Directive No. 01-313 relating to financial examiner salary upgrades.

(e) (1) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 20(b) of chapter 216 of the 2001 Session Laws of Kansas on the bank commissioner fee fund is hereby increased from \$5,524,886 to \$5,582,304.

(2) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by subsection (e)(1) of this section on the bank commissioner fee fund is hereby increased from \$5,582,304 to \$5,708,966: *Provided*, That the additional \$126,662 of expenditure authority provided by this subsection (e)(2) shall be used only for expenditures for salaries and wages, including associated employer contributions, for the implementation of Executive Directive No. 01-313 relating to financial examiner salary upgrades.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 81(a) of chapter 144 of the 2001 Session Laws of Kansas on expenditures from the bank commissioner fee fund for official hospitality is hereby increased from \$500 to \$2,000: *Provided*, That, within the aggregate limitation on expenditures for official hospitality, expenditures from the bank commissioner fee fund for fiscal year 2002 for official hospitality for the division

of consumer and mortgage lending shall not exceed \$1,000 and for official hospitality for the division of banking shall not exceed \$1,000.

(g) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 81(a) of chapter 144 of the 2001 Session Laws of Kansas on the expenditures from the bank commissioner fee fund for official hospitality is hereby increased from \$500 to \$2,000: *Provided*, That, within the aggregate limitation on expenditures for official hospitality, expenditures from the bank commissioner fee fund for fiscal year 2003 for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000 and for official hospitality for the division of banking shall not exceed \$1,000.

(h) On July 1, 2002, the director of accounts and reports shall transfer \$500,000 from the bank commissioner fee fund of the state bank commissioner to the state general fund: *Provided*, That the amount transferred from the bank commissioner fee fund of the state bank commissioner to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

#### Sec. 13.

#### KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 82(a) of chapter 144 of the 2001 Session Laws of Kansas on the board of barbering fee fund is hereby increased from \$127,066 to \$130,066.

(b) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 82(a) of chapter 144 of the 2001 Session Laws of Kansas on the board of barbering fee fund is hereby increased from \$131,177 to \$132,390.

#### Sec. 14.

#### BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 83(a) of chapter 144 of the 2001 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$512,945 to \$517,271.

#### Sec. 15.

#### STATE BOARD OF HEALING ARTS

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 19(a) of chapter 216 of the 2001 Session Laws of Kansas on the healing arts fee fund is hereby increased from \$1,978,604 to \$1,993,350.

(b) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the healing arts fee fund to the state general fund: *Provided*, That the amount transferred from the healing arts fee fund of the state board of healing arts to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

#### Sec. 16.

#### KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 85(a) of chapter 144 of the 2001 Session Laws of Kansas on the cosmetology fee fund is hereby increased from \$698,184 to \$702,088.

(b) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 85(a) of chapter 144 of the 2001 Session Laws of Kansas on the cosmetology fee fund is hereby increased from \$726,378 to \$735,704.

#### Sec. 17.

#### KANSAS DENTAL BOARD

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 87(a) of chapter 144 of the 2001 Session Laws of Kansas on the dental board fee fund is hereby increased from \$327,208 to \$328,839.

(continued)

Sec. 18.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 86(a) of chapter 144 of the 2001 Session Laws of Kansas on the credit union fee fund is hereby increased from \$888,217 to \$896,620.

Sec. 19.

STATE BOARD OF MORTUARY ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 88(a) of chapter 144 of the 2001 Session Laws of Kansas on the mortuary arts fee fund is hereby increased from \$206,283 to \$213,541.

(b) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 88(a) of chapter 144 of the 2001 Session Laws of Kansas on the mortuary arts fee fund is hereby increased from \$214,222 to \$216,514.

Sec. 20.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 90(a) of chapter 144 of the 2001 Session Laws of Kansas on the board of nursing fee fund is hereby decreased from \$1,426,346 to \$1,424,287.

(b) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 90(a) of chapter 144 of the 2001 Session Laws of Kansas on the board of nursing fee fund is hereby increased from \$1,383,705 to \$1,397,017.

(c) During the fiscal year ending June 30, 2003, the above agency may make expenditures from the board of nursing fee fund for moving expenses and other expenditures associated with moving the board office, including office furniture and telephones: *Provided*, That all expenditures for moving expenses and other expenditures associated with moving the board office, including office furniture and telephones, shall be in addition to any expenditure limitation established for the board of nursing fee fund for fiscal year 2003: *Provided, however*, That all expenditures for moving expenses and other expenditures associated with moving the board office, including office furniture and telephones, from the board of nursing fee fund for fiscal year 2003 shall not exceed \$100,000.

Sec. 21.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 91(a) of chapter 144 of the 2001 Session Laws of Kansas on the optometry fee fund is hereby increased from \$84,630 to \$85,305.

Sec. 22.

STATE BOARD OF PHARMACY

(a) In addition to the other purposes for which expenditures may be made by the state board of pharmacy from the state board of pharmacy fee fund for fiscal year 2002 as authorized by section 92(a) of chapter 144 of the 2001 Session Laws of Kansas, expenditures may be made by the above agency from the state board of pharmacy fee fund for fiscal year 2002 for official hospitality: *Provided*, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2002, for official hospitality shall not exceed \$500.

(b) In addition to the other purposes for which expenditures may be made by the state board of pharmacy from the state board of pharmacy fee fund for fiscal year 2003 as authorized by section 92(a) of chapter 144 of the 2001 Session Laws of Kansas, expenditures may be made by the above agency from the state board of pharmacy fee fund for fiscal year 2003 for official hospitality: *Provided*, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2003, for official hospitality shall not exceed \$500.

(c) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 92(a) of chapter 144 of the 2001 Session Laws of Kansas on the state board of pharmacy fee fund is hereby increased from \$566,462 to \$571,321.

Sec. 23.

REAL ESTATE APPRAISAL BOARD

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 93(a) of chapter 144 of the 2001 Session Laws of Kansas on the appraiser fee fund is hereby increased from \$254,104 to \$256,455.

Sec. 24.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 94(a) of chapter 144 of the 2001 Session Laws of Kansas on the real estate fee fund is hereby increased from \$648,459 to \$670,112.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 94(a) of chapter 144 of the 2001 Session Laws of Kansas on the real estate fee fund is hereby increased from \$668,570 to \$714,473.

Sec. 25.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 95(a) of chapter 144 of the 2001 Session Laws of Kansas on the securities act fee fund is hereby increased from \$2,067,598 to \$2,113,020.

Sec. 26.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 96(a) of chapter 144 of the 2001 Session Laws of Kansas on the technical professions fee fund is hereby increased from \$550,711 to \$555,193.

Sec. 27.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 97(a) of chapter 144 of the 2001 Session Laws of Kansas on the veterinary examiners fee fund is hereby increased from \$268,889 to \$270,992.

Sec. 28.

GOVERNMENTAL ETHICS COMMISSION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$5,891

(b) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 98(b) of chapter 144 of the 2001 Session Laws of Kansas on the governmental ethics commission fee fund is hereby increased from \$116,326 to \$117,126.

Sec. 29.

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, 2002, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Democracy fund ..... No limit

Sec. 30.

INSURANCE DEPARTMENT

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$711,500 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.

(b) On the effective date of this act, the expenditure limitation established by section 109(a) of chapter 144 of the 2001 Session Laws of Kansas on the insurance department service regulation fund is hereby decreased from \$7,416,497 to \$7,160,753.

Sec. 31.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) On the effective date of this act, the expenditure limitation established by section 110(b) of chapter 144 of the 2001 Session Laws of Kansas on the operating expenditures account of the health care stabilization fund is hereby decreased from \$934,022 to \$919,877.

(b) On the effective date of this act, the expenditure limitation established by section 110(b) of chapter 144 of the 2001 Session Laws of Kansas on the expenditures for official hospitality from the operating expenditures account of the health care stabilization fund is hereby increased from \$300 to \$400.

Sec. 32.

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, 2002, the following:

Operating expenditures..... \$375,000

(b) On the effective date of this act, of the \$13,044,016 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 112(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$30,673 is hereby lapsed.

(c) On the effective date of this act, of the \$1,373,690 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 112(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the capital defense operations account, the sum of \$6,376 is hereby lapsed.

Sec. 33.

CITIZENS' UTILITY RATEPAYER BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 117(a) of chapter 144 of the 2001 Session Laws of Kansas on the utility regulatory fee fund is hereby increased from \$555,019 to \$606,186. *Provided*, That of the amount of additional expenditures authorized by the expenditure limitation increase prescribed by this subsection, no portion of such increased expenditure authority for fiscal year 2002 shall be the basis for any amount being transferred into a Kansas savings incentive program account or KSIP account under the Kansas savings incentive program pursuant to section 166 of chapter 144 of the 2001 Session Laws of Kansas or any other Kansas savings incentive program section in this or other appropriation act of the 2002 regular session of the legislature: *Provided, however*, That, if the total amount of additional expenditures authorized by the expenditure limitation increase prescribed by this subsection are not expended or encumbered for fiscal year 2002, then an amount equal to the amount of such increased expenditure authority for fiscal year 2002 remaining may be expended from the utility regulatory fee fund for fiscal year 2003 pursuant to contracts for professional services and any such expenditures for fiscal year 2003 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for the fiscal year ending June 30, 2003.

Sec. 34.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, of the \$129,253 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 118(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the policy analysis initiatives account, the sum of \$125,252 is hereby lapsed.

(b) On the effective date of this act, of the \$500,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 118(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the public TV digital conversion debt service account, the sum of \$90,000 is hereby lapsed.

(c) On the effective date of this act, of the \$103,362 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 62(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the judicial center improvements—debt service account, the sum of \$78,362 is hereby lapsed.

(d) On the effective date of this act, of the \$2,485,322 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 62(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the energy conservation improvements—debt service account, the sum of \$11,221 is hereby lapsed.

(e) On the effective date of this act, any unencumbered balance in excess of \$50,000 in each of the following accounts of the state buildings depreciation fund is hereby lapsed: Docking fire suppression system installation; Landon fire suppression system installation.

(f) On the effective date of this act, any unencumbered balance in excess of \$30,000 in each of the following accounts of the state buildings depreciation fund is hereby lapsed: Landon security improvements.

(g) On the effective date of this act, any unencumbered balance in each of the following accounts of the state buildings depreciation fund is hereby lapsed: Docking roof drainline replacement; convert chillers to HCFC refrigerants; replace switching gear—Docking office building; replace roof of Forbes building #740; Landon south economizer installation; Docking heating, ventilation and air-conditioning system renovations; capitol complex steam distribution.

Sec. 35.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, of the \$32,604,204 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 120(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$750,000 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established by section 120(b) of chapter 144 of the 2001 Session Laws of Kansas on the electronic databases fee fund is hereby increased from \$4,655,772 to \$5,405,772.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$451,301.88 from the automated tax systems fund of the department of revenue to the state general fund: *Provided*, That the amount transferred from the automated tax systems fund of the department of revenue to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 36.

KANSAS LOTTERY

(a) On the effective date of this act, the expenditure limitation established by section 121(a) of chapter 144 of the 2001 Session Laws of Kansas on the lottery operating fund is hereby decreased from \$9,257,161 to \$8,424,267.

Sec. 37.

KANSAS RACING AND GAMING COMMISSION

(a) On the effective date of this act, the expenditure limitation established by section 122(a) of chapter 144 of the 2001 Session Laws of Kansas on the state racing fund is hereby decreased from \$3,188,533 to \$3,118,575.

(b) On the effective date of this act, the director of accounts and reports shall reduce the expenditure limitation for the KSIP account of the state racing fund from \$491,145.44 to \$80,000.

Sec. 38.

DEPARTMENT OF COMMERCE AND HOUSING

(a) On the effective date of this act, of the \$540,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 16(b) of chapter 216 of the 2001 Session Laws of Kansas from the state economic development initiatives fund in the agriculture products development account, the sum of \$5,000 is hereby lapsed.

Sec. 39.

KANSAS, INC.

(a) On the effective date of this act, of the \$343,267 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 17(a) of chapter 216 of the 2001 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of \$1,604 is hereby lapsed.

Sec. 40.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On the effective date of this act, of the \$2,240,745 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 18(a) of chapter 216 of the 2001 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of \$46,666 is hereby lapsed.

Sec. 41.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) On the effective date of this act, the director of accounts and reports shall transfer \$65,803 from the operating expenditures—veterans affairs account of the state general fund to the operating expenditures—Kansas soldiers' home account of the state general fund.

(continued)

Sec. 42.

DEPARTMENT OF HEALTH AND ENVIRONMENT

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

AIDS medications

For the fiscal year ending June 30, 2002..... \$400,000

Provided, That expenditures made from the AIDS medications account shall be used to maximize federal dollars for AIDS drug purchases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, 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:

GIS fund..... No limit

(c) On the effective date of this act, of the \$406,900 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 128(c) of chapter 144 of the 2001 Session Laws of Kansas from the state water plan fund in the TMDL initiatives and use attainability analysis account, the sum of \$853 is hereby lapsed.

Sec. 43.

DEPARTMENT ON AGING

(a) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the HCBS programs fund—department of social and rehabilitation services of the department of social and rehabilitation services to the HCBS programs fund—department on aging of the department on aging.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, 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:

Non—government grant fund ..... No limit  
Intergovernmental transfer administration fund ..... No limit

(c) On the effective date of this act, of the \$134,903,477 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 129(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the long term care account, the sum of \$808,190 is hereby lapsed.

Sec. 44.

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, 2002, the following:

State operations .....	\$2,339,646
Alcohol and drug abuse services grants .....	\$112,954
Other medical assistance .....	\$27,702,319
Mental health and retardation services aid and assistance .....	\$211,753
Youth services aid and assistance .....	\$7,647,755
Vocational rehabilitation aid and assistance .....	\$116,379
Sex predator program .....	\$580,022
Children's health insurance .....	\$2,948,829

(b) On the effective date of this act, of the \$51,621,778 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$475,987 is hereby lapsed.

(c) On the effective date of this act, of the \$36,834,437 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the community based services account, the sum of \$322,167 is hereby lapsed.

(d) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the social welfare fund is hereby increased from \$50,689,197 to \$52,374,336.

(e) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the alcohol and drug abuse block grant federal fund is hereby increased from \$11,193,076 to \$11,808,395.

(f) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kan-

sas on the child welfare services block grant federal fund is hereby decreased from \$5,471,777 to \$5,404,870.

(g) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the social services block grant—federal fund is hereby decreased from \$23,044,036 to \$22,716,668.

(h) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the mental health block grant federal fund is hereby increased from \$2,763,991 to \$3,385,958.

(i) On the effective date of this act, the position limitation established by section 29(g) of chapter 216 of the 2001 Session Laws of Kansas for the department of social and rehabilitation services is hereby increased from 3,986.1 to 4,050.5.

(j) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the Winfield properties special revenue fund to the social welfare fund. On the effective date of this act, all liabilities of Winfield properties special revenue fund are hereby transferred to and imposed on the social welfare fund and the Winfield properties special revenue fund is hereby abolished.

(k) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the title XIX fund is hereby increased from \$62,391,895 to \$63,129,269.

(l) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the Kansas neurological institute fee fund is hereby increased from \$984,781 to \$1,044,781.

(m) On the effective date of this act, of the \$9,398,466 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Kansas neurological institute—operating expenditures account, the sum of \$53,980 is hereby lapsed.

(n) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the Larned state hospital fee fund is hereby decreased from \$2,747,653 to \$1,877,905.

(o) On the effective date of this act, of the \$9,716,548 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Larned state hospital—operating expenditures account, the sum of \$93,547 is hereby lapsed.

(p) On the effective date of this act, the position limitation established by section 165(a) of chapter 144 of the 2001 Session Laws of Kansas for the Larned State Hospital is hereby decreased from 744.8 to 725.8.

(q) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the Osawatomie state hospital fee fund is hereby decreased from \$3,245,715 to \$2,965,715.

(r) On the effective date of this act, of the \$5,592,630 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Osawatomie state hospital—operating expenditures account, the sum of \$53,962 is hereby lapsed.

(s) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the Parsons state hospital and training center fee fund is hereby decreased from \$997,177 to \$937,177.

(t) On the effective date of this act, the position limitation established by section 165(a) of chapter 144 of the 2001 Session Laws of Kansas for the Parsons state hospital and training center is hereby increased from 513.0 to 513.5.

(u) On the effective date of this act, of the \$6,201,974 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center—operating expenditures account, the sum of \$53,993 is hereby lapsed.

(v) On the effective date of this act, of the \$740,473 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Rainbow mental health facility—operating expenditures account, the sum of \$307,372 is hereby lapsed.

(w) On the effective date of this act, the position limitation established by section 165(a) of chapter 144 of the 2001 Session Laws of Kansas



for the Rainbow mental health facility is hereby decreased from 132.4 to 126.8.

(x) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 144 of the 2001 Session Laws of Kansas on the Rainbow mental health facility fee fund is hereby decreased from \$761,965 to \$696,478.

(y) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Health committee insurance fund..... No limit

(z) On the effective date of this act, of the \$58,603,619 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the youth services aid and assistance account, the sum of \$1,659,775 is hereby lapsed.

(aa) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2002, the following:

HealthWave..... \$413,374

Sec. 45.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2002, the following:

Supplemental general state aid..... \$21,485,000
Operating expenditures (including official hospitality) .. \$105,000
General state aid..... \$2,212,000
KPERs—employer contributions..... \$7,985,026

(b) On the effective date of this act, of the \$1,804,013,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 132(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$88,883 is hereby lapsed.

(c) On the effective date of this act, of the \$256,390,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 132(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the special education services aid account, the sum of \$13,704,589 is hereby lapsed.

(d) On the effective date of this act, of the \$4,667,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 132(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the parent education program account, the sum of \$375,000 is hereby lapsed.

Sec. 46.

KANSAS STATE HISTORICAL SOCIETY

(a) On the effective date of this act, the expenditure limitation established by section 137(b) of chapter 144 of the 2001 Session Laws of Kansas on the microfilm fees fund is hereby increased from \$50,000 to \$60,000.

(b) On the effective date of this act, the expenditure limitation established by section 137(b) of chapter 144 of the 2001 Session Laws of Kansas on expenditures for state operations from the heritage trust fund is hereby increased from \$92,650 to \$106,491.

Sec. 47.

KANSAS STATE UNIVERSITY

(a) On the effective date of this act, of the \$103,806,622 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 139(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$470,000 is hereby lapsed.

Sec. 48.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2002, the following:

Treatment and programs..... \$616,705
Facilities operations..... \$876,779

(b) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or of any other statute, expenditures are authorized to be made by the secretary of corrections during fiscal year 2002 for payment from the local jail payments account of the state general fund for costs pursuant to subsection (b) of K.S.A. 19-1930, and amendments thereto, regardless of when the services were rendered, when the expenses were

incurred or when the claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

Sec. 49.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$2,159,427 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 78(a) of chapter 144 of the 2001 Session Laws of Kansas from the state institutions building fund in the debt service—Topeka complex and Larned juvenile correctional facility account, the sum of \$7,389 is hereby lapsed.

(b) On the effective date of this act, of the amount of the \$712,612 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 78(a) of chapter 144 of the 2001 Session Laws of Kansas from the state institutions building fund in the capital improvements—rehabilitation, remodeling, renovation and repair of juvenile correctional facilities account that was transferred by the commissioner of juvenile justice to the Atchison juvenile correctional facility capital improvements—rehabilitation, remodeling, renovation and repair account of the state institutions building fund, the sum of \$2,550 is hereby lapsed.

Sec. 50.

ADJUTANT GENERAL

(a) On the effective date of this act, of the \$4,549,979 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 150(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$8,758 is hereby lapsed.

Sec. 51.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On the effective date of this act, of the \$12,462,791 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 154(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$56,051 is hereby lapsed.

Sec. 52.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On the effective date of this act, the expenditure limitation established by section 158(b) of chapter 144 of the 2001 Session Laws of Kansas on the fertilizer fee fund is hereby increased from \$546,921 to \$588,661.

(b) On the effective date of this act, the expenditure limitation established by section 158(b) of chapter 144 of the 2001 Session Laws of Kansas on the egg fee fund is hereby increased from \$87,385 to \$108,731.

(c) On the effective date of this act, the expenditure limitation established by section 158(b) of chapter 144 of the 2001 Session Laws of Kansas on the petroleum inspection fee fund is hereby increased from \$582,731 to \$694,031.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, 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:

Specialty crop block grant—federal fund ..... \$710,000

(e) During the fiscal year ending June 30, 2002, the secretary of the Kansas department of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2002 from the state water plan fund of the Kansas department of agriculture to another item of appropriation for fiscal year 2002 from the state water plan fund of the Kansas department of agriculture.

Sec. 53.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, 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:

Buffer participation incentive fund..... No limit
Environmental improvement incentives fund..... No limit

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000

(continued)

from the wildlife fee fund of the department of wildlife and parks to the buffer participation incentive fund of the state conservation commission.

(c) On the effective date of this act, the expenditure limitation established by section 161(c) of chapter 144 of the 2001 Session Laws of Kansas on the state water plan—riparian and wetland program is hereby increased from \$250,000 to \$310,000.

Sec. 54.

KANSAS WATER OFFICE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$250,000 from the state water plan fund to the state general fund.

(b) On the effective date of this act, the expenditure limitation established by section 162(b) of chapter 144 of the 2001 Session Laws of Kansas on the state conservation storage water supply fund is hereby increased from \$0 to \$706,005.

Sec. 55.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established by section 164(b) of chapter 144 of the 2001 Session Laws of Kansas on the agency operations account of the state highway fund is hereby decreased from \$216,874,370 to \$216,799,442.

(b) On April 1, 2002, or on the effective date of this act, whichever is later, the director of accounts and reports shall transfer \$26,500,000 from the state highway fund of the department of transportation to the state general fund.

Sec. 56. (a) On or after the effective date of this act and during the fiscal years ending June 30, 2002, and June 30, 2003, the director of accounts and reports shall not make any transfer directed to be made by either subsection (f)(2) of K.S.A. 2001 Supp. 75-4265 and amendments thereto or by section 59 of chapter 216 of the 2001 Session Laws of Kansas from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2001 Supp. 75-4266 and amendments thereto.

(b) Commencing on the effective date of this act, or as soon as moneys are available therefor, during the fiscal years ending June 30, 2002, and June 30, 2003, the director of accounts and reports shall transfer all amounts of money that would have been directed by subsection (f)(2) of K.S.A. 2001 Supp. 75-4265 and amendments thereto to be transferred from the intergovernmental transfer fund of the department on aging to the senior services trust fund, established by K.S.A. 2001 Supp. 75-4266 and amendments thereto, on the dates when such transfers would have been made under such statute, in accordance with and subject to the following: (1) All such amounts of money shall be transferred to either the SRS—IGT fund of the department of social and rehabilitation services or to the aging—IGT fund of the department on aging; and (2) of the amount transferred from the intergovernmental transfer fund of the department on aging, on each date that such a transfer is made pursuant to this section, 86.27% shall be transferred to the SRS—IGT fund of the department of social and rehabilitation services and 13.73% shall be transferred to the aging—IGT fund of the department on aging.

Sec. 57.

DEPARTMENT OF HUMAN RESOURCES

(a) On the effective date of this act, the expenditure limitation established by section 126(b) of chapter 144 of the 2001 Session Laws of Kansas on the payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building account of the special employment security fund is hereby decreased from \$250,862 to \$0.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$159,140 from the special employment security fund to the state general fund: *Provided*, That the amount transferred from the special employment security fund of the department of human resources to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(c) On the effective date of this act, of the \$2,151,838 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 126(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$200,000 is hereby lapsed.

Sec. 58.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established by section 114(c) of chapter 144 of the 2001 Session Laws of Kansas on the agency operations account of the non-retirement administration fund is hereby decreased from \$255,000 to \$187,590.

(b) On the effective date of this act, of the \$32,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 9(c) of chapter 216 of the 2001 Session Laws of Kansas from the state general fund in the annual payment for KSRS actuarial liability account, the sum of \$21,344 is hereby lapsed.

(c) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the special 2003 death and disability plan employer contribution fund to the state general fund. On the effective date of this act, all liabilities of the special 2003 death and disability plan employer contribution fund are hereby transferred to and imposed on the state general fund.

Sec. 59.

STATE BOARD OF REGENTS

(a) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, 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:

KAN-ED fund.....	No limit
ROTC service scholarship program fund.....	No limit
ROTC service scholarship repayment fund.....	No limit

Sec. 60.

WICHITA STATE UNIVERSITY

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$30,000 from the general fees fund to the education opportunity grant—federal fund.

Sec. 61.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On the effective date of this act, the \$1,000,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 42(c) of chapter 216 of the 2001 Session Laws of Kansas from the children's initiatives fund in the pediatric biomedical research account is hereby lapsed.

Sec. 62.

STATE LIBRARY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 133(a) of chapter 144 of the 2001 Session Laws of Kansas on the amount of moneys appropriated in the grants to libraries and library systems account of the state general fund to be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, is hereby increased from \$2,569,665 to \$2,819,665.

Sec. 63.

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 \$300,000 from the state fair capital improvements fund to the state fair fee fund.

Sec. 64.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2002, the following:

Judicial operations .....	\$600,000
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Sec. 65.

OMBUDSMAN OF CORRECTIONS

(a) On the effective date of this act, of the \$166,700 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 157(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the adult corrections oversight account, the sum of \$7,444 is hereby lapsed.

Sec. 66.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Legislative coordinating council—operations ..... \$555,917  
*Provided*, That any unencumbered balance in the legislative coordinating council—operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Legislative research department—operations..... \$2,309,884  
*Provided*, That any unencumbered balance in the legislative research department—operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Office of revisor of statutes—operations ..... \$2,344,465  
*Provided*, That any unencumbered balance in the office of revisor of statutes—operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) Any unencumbered balance in the legislative coordinating council—KPERs actuarial audit account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Sec. 67.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operations (including official hospitality) ..... \$12,248,431  
*Provided*, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *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 expenditures shall be made from this account in the amount of \$22,909 to reimburse the secretary of state for costs associated with the redistricting support services contract: *And provided further*, That no expenditures shall be made for the legislative compensation commission as provided in K.S.A. 46-3101 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, 2003, 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 to the credit of 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.

(c) On the effective date of this act, of the \$12,267,664 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 102(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operations (including official hospitality) account, the sum of \$100,000 is hereby lapsed.

Sec. 68.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operations (including legislative post audit committee)..... \$1,764,535

*Provided*, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund ..... No limit

*Provided*, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: *Provided further*, That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a and amendments thereto: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury to the credit of the audit services fund: *And provided further*, That all moneys received by the division of post audit during fiscal year 2003 from the department of social and rehabilitation services under the contract entered into by the post auditor and the secretary of social and rehabilitation services pursuant to section 71(a) of chapter 292 of the 1993 Session Laws of Kansas to reimburse all or part of the operating services incurred by the division of post audit for the performance audit related to a settlement agreement regarding *Sheila A. et al. v. Joan Finney, et al.*, Case No. 89-CV-33, Shawnee County District Court, shall be credited to the audit services fund.

Conversion of materials and equipment fund ..... No limit  
 State agency audits fund..... No limit

Sec. 69.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Governor's department ..... \$1,741,380

*Provided*, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures may be made from this account for contingencies without limitation at the discretion of the governor: *And provided further*, That expenditures shall be made

(continued)

from this account for gubernatorial transition expenditures: *And provided further*, That expenditures made for gubernatorial transition expenditures shall not exceed \$150,000.

(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, 2003, 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, 2003, 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 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 credited to this fund.

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

Sec. 70.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operations ..... \$124,569

*Provided*, That any unencumbered balance in the operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) 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, 2003, in the operations account.

(c) Expenditures may be made by the above agency for official hospitality from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2003, in the operations account, except that such expenditures shall not exceed \$2,000.

Sec. 71.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$3,894,982

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,200.

Litigation costs ..... \$53,843

*Provided*, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Operating expenditures relating to interstate water rights regarding the Republican river and its tributaries ..... \$753,959

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the operating expenditures relating to interstate water rights regarding the Republican river and its tributaries account is hereby reappropriated for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 and credited to this 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 \$297,749: *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.

Child exchange and visitation fund..... No limit

Federal preventive health and health services block grant fund..... No limit

Crime victims assistance fund .....

Protection from abuse fund .....

Drug free schools and communities fund.....

Victims of crime act—federal fund.....

Victims of crime assistance act—federal fund.....

Family violence prevention and services fund—federal.....

Violence against women grant fund.....

Crime victims grants and gifts fund.....

*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.....

Other federal grants and reimbursement fund .....

Debt collection administration cost recovery fund.....

*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: *Provided further*, That the attorney general shall authorize the director of accounts and reports to transfer \$30,000 from this fund to the state general fund at such time as receipts to this fund are sufficient to sustain expenditures for administering and monitoring such contracts as well as to repay the state general fund for money advanced for such purpose: *And provided further*, That, upon receipt of such authorization, the director of accounts and reports shall transfer \$30,000 from the debt collection administration cost recovery fund to the state general fund.

Medicaid fraud prosecution revolving fund .....

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

Interstate water litigation fund .....

Suspense fund .....

(c) On the effective date of this act, the director of accounts and reports is hereby authorized to transfer an amount certified by the attorney general of not to exceed \$100,000 from the crime victims compensation fund to the crime victims assistance fund.

Sec. 72.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$1,749,331

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the operating expenditures account for fiscal year 2003; *Provided further*, That expenditures from this account for official hospitality shall not exceed \$2,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
Conversion of materials and equipment fund .....	No limit
Information and copy service fee fund.....	No limit
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
Suspense fund .....	No limit
Prepaid services fund.....	No limit
Athlete agent registration-fee fund.....	No limit
Franchise fee recovery fund.....	No limit
Democracy fund.....	No limit

(c) During each month of the fiscal year ending June 30, 2003, the secretary of state shall certify to the director of accounts and reports the amount equal to the product of \$1 multiplied by the number of annual reports received by the secretary of state during the preceding month from professional corporations, domestic or foreign corporations, corporations organized not for profit, domestic or foreign limited liability companies, domestic or foreign limited partnerships or any other entities pursuant to statute, which include the receipt of an annual franchise tax or privilege fee. Upon receipt of each such certification, the director of accounts and reports shall transfer an amount equal to the amount certified from the state general fund to the franchise fee recovery fund of the secretary of state.

Sec. 73.

STATE TREASURER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$1,201,480

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003; *Provided further*, That expenditures from this account for official hospitality shall not exceed \$750.

Banking services..... \$338,557

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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

*Provided*, That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.

County and city transient guest tax fund.....	No limit
Road and schools—10 U.S.C. 2655 federal fund.....	No limit
Racing admissions tax fund.....	No limit

Rental motor vehicle excise tax fund .....	No limit
Metropolitan culture district retailers' sales tax fund.....	No limit
Redevelopment bond fund .....	No limit
Kansas World War II memorial fund.....	No limit
Services reimbursement 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, 2003, 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, 2003, 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.

Kansas postsecondary education savings program trust fund .....	No limit
Kansas postsecondary education savings program expense fund .....	No limit
Conversion of materials and equipment fund .....	No limit
Tax increment financing revenue replacement fund ....	No limit

Sec. 74.

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, 2003, 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 ..... \$7,632,083

*Provided*, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,000; *Provided further*, That any transfers from this fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance shall be in addition to any expenditure limitation imposed on this fund.

Insurance company examination fund.....	No limit
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 .....

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

State firefighters relief fund.....	No limit
Insurance company tax and fee refund fund.....	No limit
Group-funded workers' compensation pools fee fund .....	No limit
Municipal group-funded pools fee fund.....	No limit
Uninsurable health insurance plan fund.....	No limit
Senior health insurance counseling for Kansans fund.....	No limit

*Provided*, That expenditures from the senior health insurance counseling for Kansans fund for official hospitality shall not exceed \$2,000.

Insurance education and training fund .....

*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,

(continued)

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 and credited to this fund.

Other federal grants fund ..... No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2003 other than moneys appropriated by this or other appropriation act of the 2002 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 2003, other than moneys appropriated by this or other appropriation act of the 2002 regular session of the legislature.

(b) On October 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$750,000 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 pursuant to this subsection and is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(c) On July 1, 2002, the federal grants fund of the insurance department is hereby redesignated as the other federal grants fund of the insurance department.

(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$7,000,000 from the workers compensation fund of the insurance department to the state general fund: *Provided*, That the amount transferred from the workers compensation fund of the insurance department to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services: *Provided further*, That the commissioner of insurance shall prepare and submit a workers compensation fund cash-flow analysis to the house committee on appropriations and the senate committee on ways and means in January, 2003.

Sec. 75.

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, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care stabilization fund ..... No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2003, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures ..... \$950,529

*Provided*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$400.

Fees—legal and professional services ..... No limit

*Provided*, That expenditures from the fees—legal and professional services account for attorney fees and other professional service fees may be made regardless of when services were rendered or when the judgment or settlement was made.

Claims and benefits ..... No limit

*Provided*, That expenditures from the claims and benefits account for

claim and benefit payments may be made regardless of when services were rendered or when the judgment or settlement was made.

Sec. 76.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$199,721

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That no expenditures shall be made from this account for any study requested by one or more members of the legislature unless the study request was submitted in writing to the legislative coordinating council and the study request was approved by the legislative coordinating council prior to the study request being submitted to the judicial council: *And provided further*, That such limitation shall not apply to any study requested by a standing committee of either house of the legislature or any legislative committee established by statute.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

Grants and gifts fund ..... No limit

*Provided*, That all private grants and gifts and federal grants 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

*Provided*, That the judicial council is hereby authorized to fix, charge and collect fees for sale and distribution of legal publications in order to recover direct and indirect costs incurred for preparation, publication and distribution of legal publications: *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 and credited to the publications fee fund: *And provided further*, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of legal publications shall be deposited in the state treasury to the credit of the publications fee fund: *And provided further*, That notwithstanding the provisions of K.S.A. 2001 Supp. 20-2207, expenditures are authorized to be made from the publications fee fund for operating expenses that are not related to publications activities.

(c) On June 30, 2003, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund as of June 30, 2003, in excess of \$175,000 from the publications fee fund to the state general fund.

Sec. 77.

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, 2003, the following:

Operating expenditures ..... \$12,604,524

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the operating expenditures account is hereby reappropriated to the operating expenditures account for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$90,000 except upon approval by the state finance council: *Provided further*, That any expenditures for indigents' defense services are authorized to be made from the operating expenditures account regardless of when services were rendered: *And 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.

Capital defense operations ..... \$1,386,710

*Provided*, That any unencumbered balance in excess of \$100 as of June

30, 2002, in the capital defense operations account is hereby reappropriated for fiscal year 2003.

Legal services for prisoners..... \$372,215

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 and credited to the inservice education workshop fee fund.

Sec. 78.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Judiciary operations..... \$81,079,774

*Provided*, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That contracts for computer input of judicial opinions under this appropriation shall be executed in the name of the supreme court by the chief justice and may be interrelated with contracts for the comprehensive legislative information system: *And provided further*, That all such contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures may be made from the judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judiciary operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judiciary operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judiciary operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund..... No limit

Judiciary technology fund..... No limit

Judicial branch gifts fund..... No limit

Dispute resolution fund..... No limit

Judicial branch education fund..... No limit

*Provided*, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, education and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: *Provided further*, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be 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

Sec. 79.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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

*Provided*, 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.

Group insurance reserve fund..... No limit

Optional death benefit plan reserve fund..... No limit

Kansas endowment for youth fund..... No limit

Senior services trust fund .....
 No limit |

Family and children endowment account—family and children investment fund..... No limit

Non-retirement administration fund..... No limit

*Provided*, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund, the senior services trust fund, the family and children endowment account—family and children investment fund, and the unclaimed property account of the state general fund for the purpose of reimbursing the costs of non-retirement related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 2001 Supp. 74-4909b, and amendments thereto.

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2003, for the following specified purposes:

Agency operations..... \$6,573,276

*Provided*, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses..... No limit

KPERS technology project .....
 No limit |

(c) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2003, for the following specified purposes:

Agency operations..... \$192,228

Investment-related expenses..... No limit

(d) On July 1, 2002, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for payment of the cost of the plan of death and long-term disability benefits 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 the period from July 1, 2002, through December 31, 2002, from such special revenue fund, or account thereof, to the special 2003 death and disability plan employer contributions fund: *Provided*, That the aggregate amount transferred from all such special revenue funds and accounts to the special 2003 death and disability plan employer contributions fund during fiscal year 2003 pursuant to this subsection shall not exceed \$1,100,000: *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

(continued)

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budget shall deliver a copy of such certification to the director of the legislative research department.

(e) On October 31, 2002, the director of accounts and reports shall transfer all moneys in the special 2003 death and disability plan employer contribution fund to the state general fund. On October 31, 2002, all liabilities of the special 2003 death and disability plan employer contribution fund are hereby transferred to and imposed on the state general fund.

(f) Notwithstanding the provisions of K.S.A. 74-4924 and 74-4924f, and amendments thereto, no participating employer under the Kansas public employees retirement system shall pay any amount to the system for the cost of the plan and death and long-term disability benefits under K.S.A. 74-4927 and amendments thereto for the period from July 1, 2002, through December 31, 2002.

Sec. 80.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$1,389,245

Provided, That any unencumbered balance in the operating expenditures account and in the contract investigative services account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the operating expenditures account for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$50,443 except upon approval of the state finance council: Provided further, That expenditures from this account for official hospitality shall not exceed \$150: And 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, 2003, 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 credited to this 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: 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 credited to this fund.

Sec. 81.

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, 2003, 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 pro-

vided further, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the department of administration accounting services recovery fund 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 2004 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 2004, 2005 and 2006.

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
Gas pipeline safety program—federal fund ..... No limit
Energy related grants—federal fund ..... No limit
Energy grants management fund ..... No limit
Energy conservation plan—federal fund ..... No limit
Underground injection control class II—federal fund.. No limit
Pipeline damage prevention grant program—federal fund..... No limit
Other federal grants fund ..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2003 other than moneys appropriated by this or other appropriation act of the 2002 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 2003, other than moneys appropriated by this or other appropriation act of the 2002 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 and credited to this fund.

Base state registration clearing fund..... No limit
Credit card clearing fund..... No limit
Suspense fund ..... No limit
Data management system fund ..... No limit

(b) Expenditures for the fiscal year ending June 30, 2003, 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, \$13,659,771: Provided, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2003 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, \$600.

(c) Expenditures for the fiscal year ending June 30, 2003, 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) In addition to the other purposes for which expenditures may be made by the state corporation commission from the conservation fee fund for fiscal year 2003 as authorized by this or other appropriation act of the



2002 regular session of the legislature, expenditures may be made by the above agency from the conservation fee fund for fiscal year 2003 for any purpose for which expenditures may be made from the natural gas underground storage fee fund: *Provided*, That expenditures for such purpose from the conservation fee fund for fiscal year 2003 shall be reimbursed from the natural gas underground storage fee fund to the conservation fee fund by revenue transfers as provided in this section prior to July 1, 2004: *Provided further*, That all such expenditures from the conservation fee fund for any such purpose shall be in addition to any expenditure limitation imposed on the conservation fee fund for fiscal year 2003.

(e) During the fiscal year ending June 30, 2003, the state corporation commission shall certify one or more amounts to the director of accounts and reports to reimburse the conservation fee fund for expenditures during fiscal year 2003 and fiscal year 2004 for any purpose for which expenditures may be made from the natural gas underground storage fee fund. Upon receipt of each certification or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer the amount certified from the natural gas underground storage fee fund to the conservation fee fund.

(f) On July 1, 2002, the federal grants fund of the state corporation commission is hereby redesignated as the other federal grants fund of the state corporation commission.

Sec. 82.

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, 2003, 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 ..... \$613,620

*Provided*, That expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund pursuant to contracts for professional services, which are hereby authorized to be entered into by the board: *Provided further*, That such professional services shall include but are not limited to the services of engineers, accountants, attorneys and economists, to assist in carrying out the duties of the board, which assistance may include preparation and presentation of expert testimony, when the expenses of such professional services are required to be assessed under K.S.A. 66-1502 and amendments thereto against the public utilities involved: *And provided further*, That such contracts shall be negotiated by a negotiating committee composed of the following persons: The consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee, the director of the budget or that director's designee, the director of accounts and reports or that director's designee, and the chairperson of the citizens' utility ratepayer board or the chairperson's designee: *And provided further*, That the consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee shall convene the negotiating committee for each such contract and the negotiating committee shall consider all proposals by persons applying to perform such contract and shall award the contract: *And provided further*, That such contracts shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto or to the provisions of the acts contained in article 58 of chapter 75 of the Kansas Statutes Annotated: *And provided further*, That, of the amount of additional expenditures authorized by the expenditure limitation prescribed by this subsection, no portion of such unspent expenditure authority for fiscal year 2003 shall be the basis for any amount being transferred into a Kansas savings incentive program account or KSIP account under the Kansas savings incentive program or any other Kansas savings incentive program section in this or other appropriation act of the 2003 regular session of the legislature: *Provided, however*, That, if the total amount of additional expenditures authorized by the expenditure limitation prescribed by this section are not expended or encumbered for fiscal year 2003, then the amount equal to the amount of such increased expenditure authority for fiscal year 2003 remaining may be expended from the utility regulatory fee fund for fiscal year 2004 pursuant to contracts for professional services and any such expenditure for fiscal year 2003 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for the fiscal year ending June 30, 2003.

(b) On July 1, 2002, October 1, 2002, January 1, 2003, and April 1, 2003, or as soon after each such date as moneys are available, and upon receipt of certification by the state corporation commission of the amount

to be transferred, the director of accounts and reports shall transfer from the public service regulation fund of the state corporation commission to the utility regulatory fee fund of the citizens' utility ratepayer board all moneys assessed by the state corporation commission for the citizens' utility ratepayer board under K.S.A. 66-1502 or 66-1503 and amendments thereto and deposited in the state treasury to the credit of the public service regulation fund.

Sec. 83.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

General administration ..... \$1,426,515

*Provided*, That any unencumbered balance in the department of administration operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the general administration account for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$12,559 except upon approval of the state finance council: *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 department of administration operations 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: *And provided further*, That, in addition to other expenditures from this account for official hospitality, expenditures may be made from this account for official hospitality related to co-hosting the 2003 national conference of the national association of state facilities administrators, except that expenditures from this account for official hospitality for such conference shall not exceed \$5,000.

Department of administration systems..... \$5,111,322

Accounting and reporting services ..... \$2,007,824

Personnel Services..... \$2,881,282

Purchasing..... \$838,339

Facilities management..... \$3,387,233

Budget analysis ..... \$1,357,418

*Provided*, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Public broadcasting council grants ..... \$2,009,048

*Provided*, That any unencumbered balance in the public broadcasting council grants account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *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.

Public TV digital conversion debt service..... \$450,000

Policy analysis initiatives ..... \$119,253

*Provided*, That any unencumbered balance in the policy analysis initiatives account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$3,000.

Long-term care ombudsman ..... \$141,982

*Provided*, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures for such reappropriated balance shall be made only upon approval of the state finance council: *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, 2003, all moneys now or hereafter lawfully credited to and available in such

(continued)

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
- State budget stabilization fund..... \$0
- 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 credited to this fund.

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 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 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 training programs 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 credited to this 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: *And provided further*, That all moneys received for such fees and all moneys received pursuant to the state travel services contract shall be deposited in the state treasury to the credit of this fund.

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 architectural services 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 credited to this 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

Information technology fund..... No limit

Information technology reserve fund..... No limit

Computer services recovery fund..... No limit

*Provided*, That expenditures may be made from the computer services recovery fund to provide central computer system development services, which shall be in addition to data processing services provided under K.S.A. 75-4704 and amendments thereto to other state agencies: *Provided further*, That the secretary of administration is hereby authorized, in accordance with the procedures and guidelines prescribed by K.S.A. 75-4703 and amendments thereto, to fix, charge and collect fees for such central computer system development services to other state agencies: *And provided further*, That such fees shall be fixed in order to recover

all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to this fund: *And provided further*, That all expenditures for the personnel/payroll project shall be made from the personnel/payroll project program account of this fund: *And provided further*, That amounts may be transferred into this account from any state general fund account or any special revenue fund of the department of administration or any other state agency.

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 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 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 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 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. 2001 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.

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 credited to this 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 architectural services: *Provided further*, That notwithstanding the provisions of subsection (b) of K.S.A. 75-4403 and amendments thereto, the director of architectural services may exchange an employee with the attorney general's office to assist in the enforcement of K.S.A. 58-1301 *et seq.*: *And provided further*, That the director of architectural services 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 the director of architectural services is hereby authorized to charge and collect (1) a fee equal to 1% of the estimated cost of each capital improvement project for a state agency which is not financed, in whole or in part, by gifts, bequests, or donations made by one or more private individuals or other private entities and for which the division provides architectural, engineering or management services or, in the case of any capital improvement project for a state agency which is partially financed by gifts, bequests or donations made by one or more private individuals or other private entities, a fee equal to 1% of the proportional amount of the estimated cost of such capital

improvement project which is not financed by gifts, bequests or donations made by one or more private individuals or other private entities and for which the division provides architectural, engineering or management services, and (2) an additional fee equal to 8% of the construction cost of each capital improvement project for which the division provides in-house architectural and engineering design services: *And provided further*, That such services shall be subject to the limitations of K.S.A. 75-1253 and amendments thereto: *And provided further*, That all fees received for such services shall be credited to this fund.

Motor pool service fund .....	No limit
Motor pool service depreciation reserve fund .....	No limit
Kansas public employees retirement clearing 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 credited to this fund.

Canceled warrants payment fund .....	No limit
State emergency fund .....	No limit
Bid and contract deposit fund .....	No limit
State workers compensation self-insurance fund .....	No limit

*Provided*, That expenditures shall be made from the state workers compensation self-insurance fund for a contract with the secretary of human resources to implement and administer the state workplace health and safety program for state employees in accordance with K.S.A. 44-575 and amendments thereto, which contract is hereby authorized and directed to be entered into between the secretary of administration and the secretary of human resources: *Provided further*, That, pursuant to policies and procedures prescribed by the secretary of administration, the director of accounts and reports shall transfer an amount certified pursuant to such contract by the secretary of administration from the state workers compensation self-insurance fund of the department of administration to the state workplace health and safety program fund of the department of human resources.

Health and hospitalization insurance clearing fund .....	No limit
Federal withholding tax clearing fund .....	No limit
State gaming revenues fund .....	No limit
Health insurance premium reserve fund .....	No limit
Excise tax refund clearing fund .....	No limit
State withholding tax clearing fund .....	No limit
Unemployment compensation tax clearing fund .....	No limit
Construction defects recovery fund .....	No limit

*Provided*, That, during the fiscal year ending June 30, 2003, upon certification by the secretary of administration to the director of accounts and reports that the unencumbered balance in the construction defects recovery fund is insufficient to pay an amount that is necessary to finance expenses related to efforts by the state of Kansas to recover damages incidental to construction defects on capital projects involving state facilities, the director of accounts and reports shall transfer an amount equal to the insufficient amount from the architectural services recovery fund to the construction defects recovery fund: *Provided, however*, That the total of all such amounts transferred from the architectural services recovery fund to the construction defects recovery fund during fiscal year 2003 shall not exceed \$300,000.

Preventive health care program fund .....	No limit
Facilities conservation improvement fund .....	No limit
State revolving fund services fee fund .....	No limit
Cafeteria benefits fund .....	No limit

*Provided*, That expenditures from the cafeteria benefits fund for salaries and wages and other operating expenditures shall not exceed \$2,621,521.

Dependent care assistance program fund .....	No limit
Conversion of materials and equipment—recycling program fund .....	No limit
Employees faithful performance bond clearing fund .....	No limit
Deferred compensation clearing fund .....	No limit
Equipment lease purchase program administration clearing fund .....	No limit
Suspense fund .....	No limit
Series E savings bond clearing fund .....	No limit
Optional life insurance clearing fund .....	No limit
Employee organization dues clearing fund .....	No limit
United Way contributions clearing fund .....	No limit
Setoff clearing fund .....	No limit
Parking fees clearing fund .....	No limit
Electronic funds transfer suspense fund .....	No limit
State employee contribution clearing fund for OASDHI .....	No limit
Intergovernmental cooperation agreement for development of statewide cost allocation plan clearing fund .....	No limit
Medicare fund clearing account .....	No limit
Ad Astra sculpture fund .....	No limit
Public school districts benefit fund .....	No limit
Administrative hearings office fund .....	No limit
Older Americans act long term care ombudsman federal fund .....	No limit
Long term care ombudsman gift and grant fund .....	No limit

(c) On July 1, 2002, 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, 2003, the secretary of administration is authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such project is approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto.

(e) In addition to the 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 2003 by this or other appropriation act of the 2002 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 2003 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 the legislative research department.

(f) During the fiscal year ending June 30, 2003, the director of the office of administrative hearings of the department of administration shall prepare and submit to the secretary of social and rehabilitation services a billing invoice each month in the amount equal to 1/12 of \$792,584, for administrative hearing services performed by the department of administration for the department of social and rehabilitation services: *Provided*, That the amount to be billed may be adjusted as provided in writing by mutual agreement between the secretary of social and rehabilitation services and the secretary of administration: *Provided further*, That the amount specified in the monthly invoice shall be paid from the appropriate fund or funds of the department of social and rehabilitation services into the administrative hearings office fund of the department of administration.

(g) During the fiscal year ending June 30, 2003, the director of accounts and reports shall transfer an amount or amounts certified by the director of the budget for long-term care ombudsman services performed for the department on aging by the state long-term care ombudsman and the office of the state long-term care ombudsman within the department of administration from the appropriate fund or funds of the department on aging, in accordance with the certification by the director of the budget, to the older Americans act long-term care ombudsman federal fund of the department of administration, except the total of all amounts

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transferred for the fiscal year ending June 30, 2003, shall not exceed \$315,362.

(h) (1) On July 1, 2002, 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 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, 2003, except that such amount shall be proportionally adjusted during fiscal year 2003 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2003. 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 2002 and fiscal year 2003 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2003 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2003, 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 2003.

(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.

(i) On July 1, 2002, the director of accounts and reports shall transfer \$50,000 from the construction defects recovery fund of the department of administration to the architectural services recovery fund of the department of administration.

(j) During the fiscal year ending June 30, 2003, 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, 2003, from the state general fund for the department of administration to another item of appropriation for fiscal year 2003 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 legislative research department.

(k) On July 1, 2002, the director of accounts and reports shall transfer \$1,000,000 from the state workers compensation self insurance fund of the department of administration to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state workers compensation self insurance fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state workers compensation self insurance fund of the department of administration to the state general fund is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(l) On July 1, 2002, the director of accounts and reports shall transfer \$36,291 from the property contingency fund of the department of administration to the state general fund: *Provided*, That the amount transferred from the property contingency fund of the department of administration to the state general fund pursuant to this section is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(m) On July 1, 2002, the director of accounts and reports shall transfer \$112,500 from the equipment lease purchase program administration clearing fund of the department of administration to the state general fund: *Provided*, That the amount transferred from the equipment lease purchase program administration clearing fund of the department of administration to the state general fund pursuant to this section is to re-

imburse 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.

(n) On July 1, 2002, the director of accounts and reports shall transfer \$150,000 from the flexible spending fund of the department of administration to the state general fund: *Provided*, That the amount transferred from the flexible spending fund of the department of administration to the state general fund pursuant to this section is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 84.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$1,817,644

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$99,208 except upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 ..... \$14,500

Sec. 85.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$34,336,693

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$142,329 except upon approval of the state finance council: *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, 2003, 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 ..... \$32,755,967

*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, 2003: *And provided further*, That the department of revenue shall make expenditures from this fund for printing and mailing vehicle renewal notices.

Vehicle dealers and manufacturers fee fund ..... No limit  
Kansas qualified agricultural ethyl alcohol producer incentive fund ..... No limit  
Local report fee fund ..... No limit  
Military retirees income tax refund fund ..... No limit  
Conversion of materials and equipment fund ..... No limit  
Forfeited property fee fund ..... No limit  
Setoff services revenue fund ..... No limit  
Publications fee fund ..... No limit  
State bingo regulation fund ..... \$235,665  
Child support enforcement contractual agreement fund ..... No limit

County treasurers' vehicle licensing fee fund .....	No limit
Reappraisal reimbursement fund .....	No limit
<i>Provided</i> , That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund. <i>Provided further</i> , That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the board of tax appeals under K.S.A. 79-1479 and amendments thereto.	
Special training fund .....	No limit
<i>Provided</i> , That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: <i>Provided further</i> , That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: <i>And provided further</i> , That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury and credited to the special training fund.	
Recovery fund for enforcement actions and attorney fees .....	No limit
Federal commercial motor vehicle safety fund .....	No limit
Central stores fund .....	No limit
<i>Provided</i> , That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: <i>Provided further</i> , That all moneys received for such supplies shall be deposited in the state treasury and credited to this fund.	
Microfilming fund .....	No limit
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: <i>Provided further</i> , That all moneys received for such services shall be deposited in the state treasury and credited to this 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
County and city bingo tax 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
Inheritance tax abatement refund fund .....	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 expenditures may be made from the VIPS/CAMA technology hardware fund for CAMA software and VIPS software.	
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 .....	\$5,700,644

(c) On July 1, 2002, October 1, 2002, January 1, 2003, and April 1, 2003, the director of accounts and reports shall transfer \$7,873,459 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, 2002, the director of accounts and reports shall transfer \$75,000 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, 2002, the director of accounts and reports shall transfer \$60,000 from the social welfare 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, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$200,000 from the division of vehicles operating fund to the state general fund: *Provided*, That the amount transferred from the division of vehicles operating fund of the department of revenue to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 86.

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, 2003, 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 .....	\$8,962,981

*Provided*, That all expenditures from the lottery operating fund for on-line terminal communication charges, for on-line vendor commission payments, for instant ticket printing charges, or for refunds and transfers shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That expenditures from this fund for official hospitality shall not exceed \$5,000: *And provided further*, That any expenditure from the lottery operating fund to reimburse the audit services fund of the division of legislative 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 lottery operating fund for the fiscal year ending June 30, 2003.

(b) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto, an amount of not less than \$4,500,000 shall be transferred monthly in the fiscal year ending June 30, 2003, with the first transfer to be made on July 15, 2002, and monthly transfers shall continue until an aggregate total of not less than \$59,000,000 shall be transferred by June 15, 2003, for a total of 12 monthly transfers to be made during the period.

(continued)

The director of accounts and reports shall transfer moneys certified by the director of the Kansas lottery from the lottery operating fund to the state gaming revenues fund on or before the 15th of each month in an amount of not less than \$4,500,000 for each transfer during the period ending June 30, 2003.

(c) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto, for the fiscal year ending June 30, 2003, one additional transfer from the lottery operating fund to the state gaming revenues fund shall be made in addition to the transfers specified in subsection (b), and the 13th transfer shall be made no later than July 15, 2003, and shall be credited to the fiscal year ending June 30, 2003. The 13th transfer shall be not less than \$4,000,000. The director of accounts and reports shall transfer moneys certified by the director of the Kansas lottery from the lottery operating fund to the state gaming revenue fund on or before July 15, 2003, in an amount of not less than \$4,000,000 and this transfer shall be credited to the period ending June 30, 2003.

Sec. 87.

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, 2003, 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..... \$3,155,357

Provided, That all expenditures from the state racing fund for refunds and transfers shall be in addition to any expenditure limitation imposed on this fund: Provided further, That expenditures from this fund for official hospitality shall not exceed \$2,500: And provided further, That any expenditure from the state racing fund to reimburse the audit services fund of the division of legislative 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 state racing fund for the fiscal year ending June 30, 2003.

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
Racing investigative expense fund ..... No limit
Horse fair racing benefit fund ..... No limit
Tribal gaming fund ..... No limit

Provided, That expenditures from the tribal gaming fund for the fiscal year ending June 30, 2003, for official hospitality shall not exceed \$1,500.

(b) On July 1, 2002, 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, 2003, 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 2003 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 2003 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) Notwithstanding any other provision of law, no transfers shall be made during the fiscal year ending June 30, 2003, from the state racing fund to any fund of the Kansas bureau of investigation for any purpose. All payments during the fiscal year ending June 30, 2003, for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with subsection (b) of K.S.A. 75-5516 and amendments thereto, pursuant to bills which are presented in a timely manner by the Kansas bureau of investigation for services rendered. Any expenditure from the state racing fund during fiscal year 2003 to reimburse the Kansas bureau of investigation for professional services and fees in an amount certified by the director of the Kansas

bureau of investigation shall be in addition to any expenditure limitation imposed on the state racing fund for the fiscal year ending June 30, 2003.

(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 2003 for the Kansas racing and gaming commission by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2003 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, and investigations of other criminal activities related to tribal gaming, which are hereby authorized.

(f) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the state racing fund for fiscal year 2003 for the Kansas racing and gaming commission by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made from the state racing fund for fiscal year 2003 for paying salaries and wages of agency personnel performing criminal history record checks, background investigations and other investigations specified in statute: Provided, That, notwithstanding any other provision of law, including K.S.A. 2001 Supp. 74-8805, 74-8806 and 74-8814 and amendments thereto, law enforcement agents of the Kansas racing and gaming commission are hereby authorized and directed to conduct criminal history record checks, background investigations and other investigations specified in statute.

Sec. 88.

DEPARTMENT OF COMMERCE AND HOUSING

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2003, the following:

Operating grant (including official hospitality) ..... \$14,554,841

Provided, 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 and housing 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 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 and housing, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce and housing: And provided further, That expenditures may be made from the operating grant (including official hospitality) account for capital improvement projects for rehabilitation and repair of travel information centers: And provided further, That expenditures shall be made by the above agency from the moneys appropriated in the operating grant (including official hospitality) account of the state economic development initiatives fund in the amount of not less than \$75,000 for a Kansas film and video attraction program, which shall be used by the Kansas film commission to attract film and video projects to the state: And provided further, That during fiscal year 2003, expenditures made by the department of commerce and housing from 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:

Table with 2 columns: Measure and Budget Year Projection FY 2003. Rows include Jobs created by projects utilizing KDOC&H assistance (6,249), Jobs retained by projects utilizing KDOC&H assistance (5,522), Payroll generated by projects utilizing KDOC&H assistance (\$371,941,659), and Capital investment in Kansas resulting from projects utilizing KDOC&H assistance (\$936,755,765).

Funds leveraged through match in projects utilizing KDOC&H assistance .....	\$36,230,282
Individuals trained through workforce development programs .....	10,172
Sales generated by projects utilizing KDOC&H assistance .....	\$55,444,400
Increase in visitation resulting from KDOC&H tourism promotion efforts .....	313,074
Tourism revenue generated as a result of KDOC&H tourism promotion .....	\$27,892,591
Kansans served with counseling, technical assistance or business services .....	5,012
Number of communities receiving community assistance services .....	327
Number of Kansans with improved housing situations resulting from KDOC&H assistance .....	409

Any unencumbered balance in excess of \$100 as of June 30, 2002, in each of the following accounts is hereby reappropriated to the operating grant (including official hospitality) account for fiscal year 2003: Operations (including official hospitality); Kansas industrial training program and Kansas industrial retraining program; grants to small business development centers; grants to certified development companies; trade show promotion grants; community capacity building grant program; main street development grants; tourism promotion grants; training equipment grants; agriculture products development; motion picture and television sales tax reimbursements; HOME program.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
Kansas venture capital companies certificate fee fund ..	No limit
Trademark fund .....	No limit
Low income housing tax credit fee fund .....	No limit

*Provided*, That all proceeds from the sale of the Olathe travel information center may be deposited in this fund: *Provided further*, That any such sale shall be conducted in accordance with procedures approved by the director of purchases and after appraisals have been obtained pursuant to K.S.A. 75-3043a and amendments thereto.

*Provided*, That expenditures may be made from the low income tax credit fee fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce and housing in accordance with such repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the low income housing tax credit program: *Provided further*, That all moneys received by the department of commerce and housing for repayment of loans made under the low income housing tax credit program shall be deposited in the state treasury and credited to this fund: *And provided further*, That, in addition to the other purposes for which expenditures may be made from the low income housing tax credit fee fund, expenditures may be made from such fund for projects of the Kansas housing development corporation and related operating expenses of such corporation: *And provided further*, That all such expenditures for projects and operating expenses shall be subject to the approval of the secretary of commerce and housing: *And provided further*, That such projects shall include, but not be limited to, (1) increasing housing opportunities for the citizens of Kansas, (2) purchasing, developing and transferring housing projects, (3) incurring obligations related to any such projects, and (4) establishing partnerships and lending relationships with local communities and entities in the private sector.

Flood mitigation assistance federal fund .....	No limit
Trade show promotion fund .....	No limit
Kansas tourist attraction matching grant development fund .....	No limit
Greyhound tourism fund .....	No limit
Reimbursement and recovery fund .....	No limit
Housing assistance program—federal fund .....	No limit
Community development block grant—federal fund .....	No limit

Community development block grant—federal fund—  
 revolving loan account .....

HOME—federal fund .....	No limit
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*Provided*, That, in addition to the other purposes for which expenditures may be made from the HOME—federal fund, expenditures may be made from such fund for projects of the Kansas housing development corporation and related operating expenses of such corporation: *Provided further*, That all such expenditures for projects and operating expenses shall be subject to the approval of the secretary of commerce and housing: *And provided further*, That such projects shall include, but not be limited to, (1) increasing housing opportunities for the citizens of Kansas, (2) purchasing, developing and transferring housing projects, (3) incurring obligations related to any such projects, and (4) establishing partnerships and lending relationships with local communities and entities in the private sector.

Community services block grant—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 2003 other than moneys appropriated by this or other appropriation act of the 2002 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 2003, other than moneys appropriated by this or other appropriation act of the 2002 regular session of the legislature.

Weatherization block grant—federal fund .....	No limit
Energy winterization—federal fund .....	No limit
Kansas export loan guarantee fund .....	No limit
HUD emergency shelter grants—federal fund .....	No limit
National main street center fund .....	No limit
State housing trust fund .....	No limit

*Provided*, That, in addition to the other purposes for which expenditures may be made from the state housing trust fund, expenditures may be made from such fund for projects of the Kansas housing development corporation and related operating expenses of such corporation: *Provided further*, That all such expenditures for projects and operating expenses shall be subject to the approval of the secretary of commerce and housing: *And provided further*, That such projects shall include, but not be limited to, (1) increasing housing opportunities for the citizens of Kansas, (2) purchasing, developing and transferring housing projects, (3) incurring obligations related to any such projects, and (4) establishing partnerships and lending relationships with local communities and entities in the private sector.

IMPACT program services fund .....	No limit
IMPACT program repayment fund .....	No limit
Kansas partnership fund .....	No limit

*Provided*, That the interest rate on any loan made from the Kansas partnership fund shall be annually indexed to the federal discount rate.

General fees fund .....

.....	No limit
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*Provided*, That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce and housing in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.

Market development fund .....

.....	No limit
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*Provided*, That expenditures may be made from the market development fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce and housing 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 and housing for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury and credited to this fund.

(continued)

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 and housing 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 and housing for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury and credited to this fund.

(c) The secretary of commerce and housing is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2003, for (1) the services provided under the low-income housing tax credit program, private activity bond program, mortgage certificates/mortgage revenue bond program and under other programs of the department of commerce and housing providing similar services and for which fees are not specifically prescribed by statute, (2) the provision and administration of conferences held for the purposes of programs and activities of the department of commerce and housing and for which fees are not specifically prescribed by statute, (3) sale of *Kansas!* magazine and other publications of the department of commerce and housing and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute, and (4) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce and housing, 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 and housing for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be credited to one or more special revenue funds of the department of commerce and housing as specified by the secretary of commerce and housing; *And provided further*, That expenditures may be made from such special revenue funds of the department of commerce and housing for fiscal year 2003, in accordance with the provisions of this or other appropriation act of the 2002 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 and housing.

(d) In addition to the other purposes for which expenditures may be made by the department of commerce and housing from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for the department of commerce and housing as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made by the department of commerce and housing for fiscal year 2003 for official hospitality.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2003, to the operating grant (including official hospitality) account of the state economic development initiatives fund, the amount equal to the balance of unexpended released encumbrances as of June 30, 2002, in each of the following accounts of the state economic development initiatives fund: Operations (including official hospitality); Kansas industrial training program and Kansas industrial retraining program; grants to small business development centers; grants to certified development companies; trade show promotion grants; community capacity building grant program; main street development grants; tourism promotion grants; training equipment grants; agriculture products development; HOME program.

(f) On August 15, 2002, and December 15, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,662,500 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce and housing.

(g) On August 15, 2002, and December 15, 2002, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$237,500 from the state economic development initiatives fund to the Kansas existing industry expansion fund of the department of commerce and housing.

(h) On July 1, 2002, the other grants fund of the department of commerce and housing is hereby redesignated as the other federal grants fund of the department of commerce and housing.

Sec. 89.

KANSAS, INC.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2003, the following:

Operations (including official hospitality) ..... \$297,627

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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. matching fund ..... No limit  
Conversion of materials and equipment fund ..... No limit

Sec. 90.

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, 2003, the following:

Operations, assistance and grants (including official hospitality)..... \$11,596,888

Any unencumbered balance in excess of \$100 as of June 30, 2002, in each of the following accounts is hereby reappropriated to the operations, assistance and grants (including official hospitality) account for fiscal year 2003: Operations (including official hospitality); assistance and grants.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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, 2003, by this or other appropriation act of the 2002 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.

Sec. 91.

DEPARTMENT OF HUMAN RESOURCES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$2,053,985

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$2,334 except upon approval of the state finance council: *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, 2003, 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 human resources shall not exceed \$2,000.

Any unencumbered balance in excess of \$100 as of June 30, 2002, in each of the following accounts is hereby reappropriated for fiscal year 2003: Welfare to work grant—state match.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 ..... \$9,774,080  
Occupational health and safety—federal fund ..... \$668,232  
Boiler inspection fee fund ..... No limit  
Special employment security fund ..... No limit



*Provided*, That expenditures may be made from the special employment security fund for payment of the portion of telecommunications services provided by the state of Kansas which are required to be paid from non-federal sources: *Provided, however*, That expenditures from the special employment security fund for such purpose shall not exceed \$40,000: *Provided further*, That expenditures may be made from the special employment security fund for payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided, however*, That expenditures from this fund for such debt service shall not exceed \$260,000: *And provided further*, That expenditures may be made from the special employment security fund for the wheat harvest program: *And provided further*, That expenditures from this fund for the wheat harvest program shall not exceed \$60,899: *And provided further*, That expenditures may be made from the special employment security fund for payment of the portion of services provided by the central motor pool which are required to be paid from nonfederal funds: *And provided further*, That expenditures from this fund for payment of such central motor pool services shall not exceed \$35,000: *And provided further*, That expenditures may be made from the special employment security fund for moving, rent and associated costs due to the remodeling of the administrative office: *And provided further*, That expenditures from this fund for the cost of remodeling such administrative office shall not exceed \$340,000: *And provided further*, That expenditures may be made from the special employment security fund for the payment of operating expenses for the subprograms of legal services, industrial safety and the public employees relations board: *And provided further*, That expenditures from this fund shall not exceed \$10,000 for the legal services subprogram, \$27,162 for industrial safety subprogram, and \$5,000 for public employees relations board subprogram.

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
JTPA EDWAA discretion state operations fund.....	No limit
Workforce investment act state operations fund.....	No limit
Welfare to work grant—federal fund.....	No limit
Workforce investment act non-state operations fund ...	No limit
Human resources special projects fund.....	No limit
Advisory committee on Hispanic affairs—donations fund.....	No limit
Committee on employment of the handicapped—gifts, grants and donations fund.....	No limit
Federal indirect cost offset fund.....	\$304,020
Dispute resolution fund.....	No limit

*Provided*, That all moneys received by the secretary of human resources 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
Employment security administration property sale fund.....	No limit

*Provided*, That the secretary of human resources, in consultation with the secretary of administration, is hereby authorized to make expenditures from the employment security administration property sale fund to purchase or acquire by exchange additional real estate to provide space for the job service and unemployment insurance programs of the department of human resources, including the initiation, planning and completion of capital improvements on such real estate for such purposes: *Provided, however*, That no expenditures shall be made from this fund for a proposed purchase or other acquisition of additional real estate to provide space for the job service and unemployment insurance programs of the department of human resources 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 human resources on such real estate

for such purposes, 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 human resources from the employment security fund for fiscal year 2003, expenditures may be made by the above agency from the employment security fund during fiscal year 2003 from moneys made available to the state under section 903 of the federal social security act, as amended: *Provided*, That expenditures from this fund during fiscal year 2003 of moneys made available to the state under section 903 of the federal social security act, as amended, shall be made only for administration of the unemployment insurance program: *Provided further*, That expenditures from this fund during fiscal year 2003 of moneys made available to the state under section 903 of the federal social security act, as amended, for administration of the unemployment insurance program shall not exceed \$780,251.

(d) In addition to the other purposes for which expenditures may be made by the department of human resources from moneys appropriated from any special revenue fund for fiscal year 2002 or fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made by the department of human resources for fiscal year 2002 and fiscal year 2003 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 human resources: *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 human resources 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 human resources 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 human resources shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of human resources: *Provided, however*, That expenditures from such fund shall not exceed the limitation established for fiscal year 2003 by this or other appropriation act of the 2002 regular session of the legislature except upon approval of the state finance council.

(e) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$500,000 from the workmen's compensation fee fund of the department of human resources to the state general fund: *Provided*, That the amount transferred from the workmen's compensation fee fund of the department of human resources to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 92.

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, 2003, the following:

Operating expenditures—veterans affairs ..... \$1,655,527

*Provided*, That any unencumbered balance in the operating expenditures—veterans affairs account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$2,092 except upon approval of the state finance council.

Operations-state veterans cemeteries ..... \$113,103

*Provided*, That any unencumbered balance in the operations-state veterans cemeteries account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Operating expenditures—Kansas soldiers' home ..... \$1,280,285

*Provided*, That any unencumbered balance in the operating expenditures—Kansas soldiers' home account in excess of \$100 as of June 30,

(continued)

2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$250 except upon approval of the state finance council.

Operating expenditures—Kansas veterans' home ..... \$1,335,948 *Provided*, That any unencumbered balance in the operating expenditures—Kansas veterans' home account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$215,134 except upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

Table with 2 columns: Fund Name and Amount. Funds include Kansas commission on veterans affairs fund (No limit), Soldiers' home fee fund (No limit), Soldiers' home benefit fund (No limit), Soldiers' home work therapy fund (No limit), Veterans' home fee fund (No limit), 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), and State veterans cemeteries fee fund (No limit).

(c) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,500 from the soldiers' home work therapy fund to the soldiers' home benefit fund.

(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$30,000 from the coordinated public transportation assistance fund of the department of transportation to the veterans' home fee fund of the Kansas commission on veterans affairs: *Provided*, That such moneys shall be used only for the purchase of a wheel chair lift van for the Kansas veterans' home.

Sec. 93.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Table with 2 columns: Fund Name and Amount. Funds include Operating expenditures (including official hospitality) (\$17,277,241), SIDS network grant (\$25,000), Vaccine purchases (\$674,896), Infant and toddler program (\$1,992,000), and Aid to local units (\$5,026,549).

*Provided*, That expenditures from the aid to local units account for child care licensure activities are hereby authorized to be made for contracts which are hereby authorized to be entered into by the secretary of health and environment with local health departments, private individuals and others: *Provided further*, That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246 and amendments thereto.

Aid to local units—primary health projects ..... \$1,520,840 *Provided*, That no expenditures shall be made from the aid to local units—primary health projects account to disburse any amount to a local government or other health care unit until the amount has been matched on a \$1 for \$1 basis by the local government or other health care unit on a cash or in-kind basis, or some combination thereof, as approved by the secretary of health and environment.

Teen pregnancy prevention activities ..... \$563,312 *Provided*, That expenditures from the teen pregnancy prevention activities account shall be made to give highest priority to recipients of aid to families with dependent children and other medicaid eligible teens: *Provided further*, That expenditures may be made from this account for grants made pursuant to K.S.A. 65-1,158 and amendments thereto: *Provided, however*, That no expenditures shall be made from this account to disburse any amount to the recipient of any grant pursuant to K.S.A. 65-1,158 and amendments thereto until the amount has been matched in the manner prescribed by K.S.A. 65-1,158 and amendments thereto.

Aid to local units—family planning ..... \$98,880 *Provided*, 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: *Provided further*, That all expenditures from this account pursuant to such grant agreements shall be made only for the costs of pap smears or initial and follow-up laboratory tests.

Immunization programs ..... \$350,000 *Provided*, That all expenditures from the immunization programs account shall be for the purpose of providing expanded immunization services at local health departments.

Match for title XIX for nursing home inspections ..... \$819,891 *Provided*, That any unencumbered balance in the match for title XIX for nursing home inspections account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Pregnancy maintenance initiative ..... \$300,000 *Provided*, That expenditures from the pregnancy maintenance initiative account of the department of health and environment for fiscal year 2003 shall be made pursuant to contracts for programs that provide services for women which enable them to carry their pregnancies to term, which are hereby authorized and directed to be entered into by the secretary of health and environment.

Any unencumbered balance in excess of \$100 as of June 30, 2002, in each of the following accounts is hereby reappropriated for fiscal year 2003: Vaccine purchases; infant and toddler program; AIDS medications; aid to local units; aid to local units—primary health projects; Aid to local units—family planning; Pregnancy maintenance initiative; SIDS network grant; teen pregnancy prevention activities; immunization programs.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

Table with 2 columns: Fund Name and Amount. Funds include Environmental permit fund (No limit), Air quality fee fund (No limit), and Title XIX fund (No limit).

*Provided*, That transfers of moneys from this fund to the state fire marshal may be made during fiscal year 2003 pursuant to a contract which is hereby authorized to be entered into by the secretary of health and environment with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

GIS fund ..... No limit *Provided*, That all moneys received by the department of health and environment for GIS activities from the state water plan fund, as determined by the secretary of health and environment shall be credited to the GIS fund.

Table with 2 columns: Fund Name and Amount. Funds include Health care database fee fund (No limit), Vital statistics maintenance fee fund (No limit), Laboratory medicaid cost recovery fund (No limit), Hazardous waste collection fund (No limit), and Driving under the influence equipment fund (No limit).

*Provided*, That expenditures from the driving under the influence equipment fund may be made only for the purpose of purchasing blood or breath alcohol concentration testing equipment, and other related expenditures.

Table with 2 columns: Fund Name and Amount. Funds include Power generating facility fee fund (No limit), Breast and cervical cancer program and detection fund (No limit), and Health and environment training fee fund (No limit).

*Provided*, That expenditures may be made from the health and environment training fee fund for acquisition and distribution of health and environment program literature and films and for participation in or conducting training seminars for training employees of the department of health and environment, for training recipients of state aid from the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and 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 and credited to this fund: *And provided further*, That in addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the health and environment training fee fund for fiscal year 2003, expenditures may be made by the department of health and environment from the health and environment training fee fund for fiscal year 2003 for agency operations.

Capacity management assistance fund .....	No limit
Food service inspection reimbursement fund .....	No limit
Food inspection fee fund.....	No limit

*Provided*, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, 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 health and environment 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 deposited in the state treasury and credited to this food inspection fee fund: *And provided further*, That, on July 1, 2002, and on the first day of each month thereafter, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.

Mined-land conservation and reclamation fee fund .....	No limit
Insurance statistical plan fund .....	No limit
Solid waste management fund .....	No limit
Public water supply fee fund.....	No limit
Voluntary cleanup fund .....	No limit
Storage tank fee fund.....	No limit
Conversion of materials and 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 management fee fund shall be credited to the nuclear safety emergency preparedness special revenue fund.

Health facilities review fund.....	No limit
Waste tire management fund .....	No limit
Health and environment publication fee fund.....	No limit

*Provided*, That expenditures from the health and environment publication fee fund 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
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*Provided*, That, notwithstanding provisions of K.S.A. 22a-245 and amendments thereto, moneys may be expended by the department of health and environment from the district coroners fund for expenditures made pursuant to K.S.A. 22a-242 and amendments thereto: *Provided further*, That, notwithstanding any provisions of K.S.A. 39-713d, and amendments thereto, to the contrary, expenditures shall be made by the secretary of health and environment from this fund for fiscal year 2003 for burial expenses otherwise in accordance with the provisions of K.S.A. 39-713d, and amendments thereto, from the amount of moneys transferred to this fund from the state general fund for such purpose: *And provided further*, That the secretary of social and rehabilitation services and the secretary of health and environment shall enter into an interagency agreement, which is hereby authorized to be entered into, to facilitate the identification of eligible public assistance recipients who qualify for the funeral assistance program administered by the secretary of health and environment for fiscal year 2003: *And provided further*, That expenditures from this fund for such burial assistance program for fiscal year 2003 shall not exceed \$470,000.

Local air quality control authority regulation services fund .....	No limit
Environmental response fund.....	No limit
Mined-land reclamation fund.....	No limit

Adult care licensing revolving fund .....	No limit
Sponsored project overhead fund .....	No limit
Child care facilities licensure fund .....	No limit
Federal cancer registry fund .....	No limit
Clinical laboratory improvement amendments—federal fund .....	No limit
Child care and development block grant—federal fund .....	No limit
Office of rural health—federal fund.....	No limit
EPA—core support fund .....	No limit
Renal disease fund.....	No limit
Medicare fund—federal .....	No limit

*Provided*, That transfers of moneys from this fund to the state fire marshal may be made during fiscal year 2003 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 adult care homes and hospitals.

Federal migrant health program fund.....	No limit
Venereal disease control project fund—federal .....	No limit
Disease prevention and health promotion federal grants fund .....	No limit

*Provided*, That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the disease prevention and health promotion federal grants fund: *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.

Federal air quality program fund .....	No limit
Federal women, infants and children health program fund .....	No limit
Federal occupational health and safety statistics program fund .....	No limit
EPA water related federal grants 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 EPA water related federal grants fund.

Other federal grants fund .....	No limit
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*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 \$150,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2003 other than moneys appropriated by this or other appropriation act of the 2002 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 \$150,000 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.

Federal chemical emergency preparedness assistance fund .....	No limit
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*Provided*, That all expenditures from the federal chemical emergency preparedness assistance fund during fiscal year 2003 shall be in accordance with a grant agreement entered into by the secretary of health and environment and each grant recipient: *Provided further*, That such grant agreement shall require the grant recipient or recipients to provide any matching amount of moneys necessary to meet any federal matching requirements: *And provided further*, That no expenditures shall be made from this fund for state operations.

State legalization impact assistance grant fund .....	No limit
Water supply fund—federal.....	No limit
EPA voluntary cleanup federal fund.....	No limit

*Provided*, That all expenditures from the EPA voluntary cleanup federal fund during fiscal year 2003 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.

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Immunization grant funds—federal fund .....	No limit
Diagnostic X-ray program—federal fund.....	No limit
Title I—P.L. 99-457 child development—federal fund .....	No limit
Resource conservation and recovery act—federal fund .....	No limit
Preventive health and health services block grant fund .....	No limit
Maternal and child health services block grant fund .....	No limit
National center for health statistics fund—federal .....	No limit
Federal EPA underground injection control fund .....	No limit
Federal EPA 106 water pollution control fund.....	No limit
Federal title X family planning fund.....	No limit
Pregnancy nutrition surveillance—federal fund.....	No limit
Radiological environmental cooperative monitoring—federal fund.....	No limit
Early childhood developmental services—federal fund .....	No limit
104(6)(1) outreach operator training program—federal fund .....	No limit
Underground storage tank fund—federal.....	No limit
Commodity supplemental food program fund.....	No limit
Special child clinic program—federal fund.....	No limit
Make a difference information network—federal fund .....	No limit
Census of traumatic occupational fatalities—federal fund .....	No limit
Ryan White Title II— 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 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
Federal NICE3 public utility grant fund.....	No limit
Gifts, grants and donations fund.....	No limit
Hazardous waste perpetual care trust fund.....	No limit
Special bequest fund.....	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
Salt solution mining plugging 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.

vention project from the trauma fund for fiscal year 2003 shall not exceed \$156,000.

Hazardous waste management fund .....	No limit
Oz theme park fund.....	No limit
Sunflower army ammunition plant remediation trust fund .....	No limit

*Provided*, That during the fiscal years ending June 30, 2002, and June 30, 2003, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment to the sponsored project overhead fund of the department of health and environment pursuant to section 128(j) of 2001 Senate Bill No. 57 may include amounts equal to up to 20% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

Federal homeland security fund .....

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, for the water plan project or projects specified as follows:

Contamination remediation.....	\$1,216,656
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*Provided*, That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Local environmental protection program .....	\$1,620,000
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*Provided*, That any unencumbered balance in the local environmental protection program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Nonpoint source program.....	\$387,939
TMDL initiatives and use attainability analysis.....	\$415,613

(d) During the fiscal year ending June 30, 2003, 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 2003 from the state water plan fund for the department of health and environment to another item of appropriation for fiscal year 2003 from the state water plan fund for the department of health and 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 the legislative research department.

(e) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2003, the following:

Healthy start.....	\$250,000
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*Provided*, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Infants and toddlers program .....	\$500,000
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*Provided*, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall be made only 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 in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Smoking prevention.....	\$500,000
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*Provided*, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall be made only 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 in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(f) On July 1, 2002, and on other occasions 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 for activities related to federal programs, from specified special revenue funds of the department of health and environment to the sponsored project overhead fund of the department of health and environment.

(g) On July 1, 2002, the director of accounts and reports shall transfer \$180,000 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.

(h) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$723,000 from the child care development block grant 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.

(i) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$544,321 from the foster care assistance federal fund of the department of social and rehabilitation services to the title IV-E—federal fund of the department of health and environment.

(j) On and after July 1, 2002, during the fiscal year ending June 30, 2003, 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. 2001 Supp. 65-3024 and amendments thereto.

(k) During the fiscal year ending June 30, 2003, 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, which have available moneys, to the sponsored project overhead fund of the department of health and environment for expenditures for administrative expenses.

(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 for fiscal year 2003 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2002 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 2003 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 2003 made by this or other appropriation act of the 2002 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.

(m) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the food inspection fee fund for fiscal year 2003, expenditures may be made by the department of health and environment for food inspection program activities involving grocery stores and food processing plants.

(n) During the fiscal years ending June 30, 2002, and June 30, 2003, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment to the sponsored project overhead fund of the department of health and environment pursuant to section 128(j) of 2001 Senate Bill No. 57 may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(o) Notwithstanding any other provision of the law to the contrary, during the fiscal year ending June 30, 2003, moneys from one or more special revenue funds of the department of health and environment may be used for operating expenditures for the above agency: *Provided, however*, That expenditures from such special revenue funds for operating expenditures shall not exceed \$2,000,000: *Provided further*, That such expenditures shall not be made from the aboveground petroleum storage tank release trust fund or the underground petroleum storage tank release trust fund.

(p) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$470,000 from the state general fund to the district coroners fund of the department of health and environment.

Sec. 94.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Administration ..... \$498,701

*Provided*, That expenditures from this account for official hospitality by the secretary of aging shall not exceed \$550: *Provided further*, That expenditures from this account may be made for printing the agency's newsletter: *And provided further*, That printing the agency's newsletter shall not be subject to K.S.A. 75-1005 and amendments thereto: *And provided further*, That the amounts of any moneys encumbered in the administration account as of June 30, 2002, for the senior care companion program at Fort Hays state university or for the senior care companion program at Riverside Hospital in Wichita, Kansas, are hereby reappropriated to the administration account for fiscal year 2003 and expenditures may be made from such amounts from this account for such programs for fiscal year 2003.

Administration—assessments ..... \$132,414  
 Administration—assessments—Level II care ..... \$32,500  
 Administration—assessments—Level I care ..... \$286,878  
 Administration—medicaid ..... \$2,727,342

*Provided*, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2002, other than the amounts of any moneys encumbered in the administration account as of June 30, 2002, for the senior care companion program at Fort Hays state university or for the senior care companion program at Riverside Hospital in Wichita, Kansas, is hereby reappropriated to the administration—medicaid account for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$528,965 except upon approval of the state finance council.

Administration—older Americans act match ..... \$177,918  
 Senior care act ..... \$7,888,092

*Provided*, That any unencumbered balance in the program grants account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the senior care act account for fiscal year 2003: *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 federal fiscal year 2002 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 2002: *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 regular session of the legislature in 2003 a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2002: *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—in-home nutrition program ..... \$1,493,015

*Provided*, That each grant agreement with an area agency on aging for a grant from the program grants—in-home nutrition program account shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2002 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 2002: *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 regular session of the legislature in 2003 a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2002: *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.

(continued)

Program grants—nutrition—state match..... \$823,832

*Provided*, 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 2002 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 2002: *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 regular session of the legislature in 2003 a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2002: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC—medicaid assistance—TCM/FE..... \$2,200,320

*Provided*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC—medicaid assistance—TCM/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC—medicaid assistance—HCBS/FE ..... \$3,062,845

*Provided*, That any unencumbered balance in the long term care account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the LTC—medicaid assistance—HCBS/FE account for fiscal year 2003: *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 ..... \$125,015,552

*Provided*, That expenditures may be made from the LTC—medicaid assistance—NF account 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.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
Nutrition fund—federal .....	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 and 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.

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 and 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.

Title XIX fund—federal ..... No limit  
 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.

State medicaid match fund—department on aging .....	\$10,973,923
Senior services fund.....	\$1,200,000
Long-term care loan and grant fund.....	No limit
HCBS programs fund—department on aging .....	\$226,077
Aging—IGT fund .....	\$7,446,983
Intergovernmental transfer administration fund.....	No limit
Non-government grant fund.....	No limit

(c) During the fiscal year ending June 30, 2003, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2003, from the state general fund for the department on aging to another item of appropriation for fiscal year 2003 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 legislative research department.

(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,628,783 from the senior services trust fund of the Kansas public employees retirement system to the aging—IGT fund of the department on aging.

(e) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$500,000 from the long term care loan and grant fund of the department on aging to the state general fund: *Provided*, That the amount transferred from the long term care loan and grant fund of the department on aging to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 95.

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, 2003, the following:

State operations ..... \$95,357,589

*Provided*, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01 and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500.

Alcohol and drug abuse services grants..... \$3,535,388

*Provided*, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Mental health and retardation services aid and assistance ..... \$89,151,475

*Provided*, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That the department of social and rehabilitation services, hereinafter known as the department, in all of fiscal year 2003, shall conduct and pay for community mental health services in the same manner as done in fiscal year 2002: *And provided further*, That the department distribute

all additional dollars appropriated by the 2002 legislature above the amount appropriated in fiscal year 2002 for children's mental health services based on fiscal year 2002 medicaid utilization rates: *And provided further*, That the department may utilize amounts budgeted in regular medicaid for mental health services to assure all community mental health centers have adequate certified match: *And provided further*, That in addition, if the department determines that any community mental health center does not have adequate certified match based on fiscal year 2002 medicaid utilization the department may reallocate existing grant funds based on a proportional share of all existing state fund to the minimum extent necessary to assure all community mental health centers have adequate certified match: *And provided further*, That the medicaid rates in effect on February 14, 2002, remain in effect for the balance of fiscal year 2002 and fiscal year 2003: *And provided further*, That the department and the association of community mental health centers of Kansas, inc., shall jointly develop a report on agreed upon methods for continuing the existing medicaid rates for fiscal year 2004 that meet all applicable federal laws and regulations and present the plan to the senate committee on ways and means and house committee on appropriations by January 31, 2003: *And provided further*, That any such plan shall also report how the financing plan in fiscal year 2003 is impacting access, service provision and accountability: *And provided further*, That the secretary of social and rehabilitation services shall complete a valid resident assessment on each individual residing in NF/MH facilities with the support of medical assistance funds and identify adequate alternative community services to assure effective care and treatment before such individual is scheduled for discharge from a facility: *And provided further*, That prior to the fiscal year commencing on July 1, 2003, the department of social and rehabilitation services shall not restrict admissions to nursing facilities for mental health or remove patients from nursing facilities for mental health who have been diagnosed with a severe and persistent mental illness for whom alternative services are not adequate: *And provided further*, That duplicate assessment screens are discontinued after July 1, 2002, so that no more than one assessment is required annually except where significant change has occurred: *And provided further*, That selected professional services denied after February 1, 2002, shall be reimbursed retroactively, and that department of social and rehabilitation services policy shall allow for NF/MH facilities to provide continuation of community services.

Kansas neurological institute—operating expenditures ..... \$9,787,828

*Provided*, That any unencumbered balance in the Kansas neurological institute—operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$8,734 except upon approval of the state finance council: *Provided further*, That expenditures from the Kansas neurological institute—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 Kansas neurological institute 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.

Larned state hospital—operating expenditures ..... \$10,551,306

*Provided*, That any unencumbered balance in the Larned state hospital—operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Larned state hospital—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 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.

Osawatomie state hospital—operating expenditures ..... \$6,298,953

*Provided*, That any unencumbered balance in the Osawatomie state hospital—operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Osawatomie state hospital—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 Osawatomie 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.

Parsons state hospital and training center—operating expenditures ..... \$6,704,185

*Provided*, That any unencumbered balance in the Parsons state hospital and training center—operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *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 ..... \$697,077

*Provided*, That any unencumbered balance in the Rainbow mental health facility—operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Rainbow mental health facility—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 Rainbow mental health facility 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.

Children's mental health initiative ..... \$1,000,000

*Provided*, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children.

Children's health insurance ..... \$12,785,911

*Provided*, That any unencumbered balance in the children's health insurance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That any health maintenance organization which contracts with the department of social and rehabilitation services to provide managed care physical health benefits under the HealthWave Program and also contracts with the department of social and rehabilitation services to provide managed care physical health benefits under the PrimeCare Program may be eligible for enhanced funding under the Title XXI program.

Youth services aid and assistance ..... \$70,738,364

*Provided*, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That the consensus es-

(continued)

timating group for the department of social and rehabilitation services shall include foster care and adoption services in caseload estimates.

Vocational rehabilitation aid and assistance ..... \$3,617,837

*Provided*, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *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 ..... \$52,765,284

*Provided*, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Community based services ..... \$20,217,984

*Provided*, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Other medical assistance ..... \$296,046,072

*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Sex predator program ..... \$2,292,251

*Provided*, That any unencumbered balance in the sex predator program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 ..... \$50,538,731

*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 social welfare fund.

Kansas neurological institute fee fund ..... \$1,044,781

Kansas neurological institute—foster grandparents program—federal fund ..... No limit

Kansas neurological institute—patient benefit fund ..... No limit

Kansas neurological institute—work therapy patient benefit fund ..... No limit

Larned state hospital fee fund ..... \$1,675,160

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—canteen fund ..... No limit

Larned state hospital—patient benefit fund ..... No limit

Larned state hospital—motor pool revolving fund ..... No limit

Larned state hospital—IGT fund ..... \$10,000,000

Osawatomie state hospital fee fund ..... \$2,988,456

*Provided*, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited to the credit of 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 for fiscal year 2003.

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

Osawatomie state hospital—canteen fund ..... No limit

Osawatomie state hospital—patient benefit fund ..... No limit

Osawatomie state hospital—work therapy patient benefit fund ..... No limit

Osawatomie state hospital—motor pool revolving fund ..... No limit

Osawatomie state hospital—training fee revolving fund ..... No limit

*Provided*, That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited to the credit of the Osawatomie state hospital—training fee revolving fund: *Provided further*, That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

Parsons state hospital and training center fee fund ..... \$937,177

*Provided*, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited to the credit of the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund for fiscal year 2003.

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

Rainbow mental health facility fee fund ..... \$364,678

Rainbow mental health facility—elementary and secondary education fund—federal ..... No limit

Rainbow mental health facility—patient benefit fund .. No limit

Social services clearing fund ..... No limit

*Provided*, That the secretary of social and rehabilitation services shall certify to the director of the budget on June 30, 2003, that expenditures from the social services clearing fund for state operations did not exceed \$275,765,005 for fiscal year 2003: *Provided, however*, That expenditures from the social services clearing fund for transfers or state operations for institutions under the control of the department of social and rehabilitation services shall be in addition to any expenditure limitation on the social services clearing fund: *Provided further*, That expenditures may be made from this fund for fiscal year 2003 pursuant to employment incentive programs which the secretary is hereby authorized to develop and enter into with public and private employers to provide an economic incentive to such employers to employ assistance recipients: *And provided further*, That any transfer made from this fund to another state agency pursuant to a contract with that agency shall be in addition to any expenditure limitations imposed on this fund.

Social welfare fund ..... \$53,466,171

*Provided*, That any transfers of funds between the social welfare fund and state institutions made by the secretary of social and rehabilitation services during fiscal year 2003 shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That notwithstanding the provisions of K.S.A. 39-7,154 and amendments thereto, the child support collection pass-through payments are hereby eliminated for fiscal year 2003 and no expenditures shall be made from the social welfare fund for payment of any amounts pursuant to K.S.A. 39-7,154 and amendments thereto.

Health committee insurance fund ..... No limit

Other state fees fund ..... No limit

Alcohol and drug abuse block grant federal fund ..... \$14,447,707

*Provided*, That any transfers of moneys from the alcohol and drug abuse block grant federal fund to any other block grant fund specified in this subsection during fiscal year 2003 shall be in addition to any expenditure limitation imposed on this fund.



Ryan White title II federal fund ..... No limit  
*Provided*, That, notwithstanding any provisions of any other statute to the contrary, expenditures shall be made by the secretary of social and rehabilitation services from Ryan White title II federal fund for state fiscal year 2003 for the provision of pharmaceuticals in association with the Ryan White title II AIDS drug assistance program of the department of health and environment in accordance with the provisions of applicable statutes not in conflict with the provisions of this section: *Provided further*, That the remaining balance of available federal AIDS drug assistance program (ADAP) earmarked funds shall be transferred from the department of health and environment to the department of social and rehabilitation services on July 1, 2002, and credited to the Ryan White title II federal fund: *And provided further*, That available federal ADAP earmarked funds shall be transferred from the department of health and environment to the department of social and rehabilitation services and credited to the Ryan White title II federal fund after the beginning of the federal grant fiscal year on April 1, 2003: *And provided further*, That the department of social and rehabilitation services shall provide AIDS drug assistance to clients eligible under department of health and environment Ryan White title II established eligibility standards in accordance with a drug formulary established by a joint agreement entered into by the secretary of health and environment, the secretary of social and rehabilitation services and the federal health resources and services administration mandated advisory bodies, which is hereby authorized to be entered into: *And provided further*, That the department of health and environment shall continue to administer all Ryan White title II program services other than the provision of AIDS drugs including establishing eligibility standards and coordinating eligible clients with the department of social and rehabilitation services: *And provided further*, That the secretary of health and environment and the secretary of social and rehabilitation services shall enter into an interagency agreement, which is hereby authorized to be entered into, to facilitate the provision of medications under the AIDS drug assistance program by the department of social and rehabilitation services and such agreement shall include, but not be limited to, the following provisions: (1) Provisions relating to coordination for the identification of eligible clients, (2) provisions to provide the federal health resources and services administration required reports, and (3) provisions for joint staff access to appropriate data systems as indicated to provide federally mandated effective clinical quality management, including utilization review for affected clients of the two departments.

Child welfare services block grant federal fund ..... \$5,904,870  
 Mental health block grant federal fund ..... \$3,389,293  
 Social services block grant—federal fund ..... \$22,928,100

*Provided*, That any transfers of moneys from the social services block grant—federal fund to any other block grant fund specified in this subsection during fiscal year 2003 shall be in addition to any expenditure limitation imposed on this fund.

Child care mandatory federal fund ..... No limit  
*Provided*, That any transfers from the child care mandatory federal fund to the department of health and environment during fiscal year 2003 shall be in addition to any expenditure limitation imposed on this fund.

Temporary assistance to needy families federal fund ... No limit  
 Child care matching federal fund ..... No limit  
 Child care discretionary 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

*Provided*, That all contributions from local entities shall be credited to the vocational rehabilitation special revenue account of the SRS trust fund for the purpose of providing the required state match for receipt of federal vocational rehabilitation funds: *Provided further*, That expenditures may be made from the vocational rehabilitation special revenue account of this fund for local community-based vocational rehabilitation programs.

SRS AIDS drug reimbursement—federal fund ..... No limit  
 SRS—IGT fund ..... \$62,529,094  
 Child support enforcement administration fund ..... No limit  
 Energy assistance block grant federal fund ..... No limit

Childrens health insurance federal fund ..... No limit  
 Family and children trust account—family and children investment fund ..... No limit  
 Kansas insurance coverage for children fund ..... No limit  
 State medicaid match fund—SRS ..... \$12,300,000

(c) There is appropriated for the above agency from the children's initiative fund for the fiscal year ending June 30, 2003, the following:

Children's cabinet accountability fund ..... \$550,000  
*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Children's mental health waiver ..... \$1,800,000  
*Provided*, That any unencumbered balance in the children's mental health waiver account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Family centered system of care ..... \$5,000,000  
*Provided*, That any unencumbered balance in the family centered system of care account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Therapeutic preschool ..... \$1,000,000  
*Provided*, That any unencumbered balance in the therapeutic preschool account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Child care ..... \$1,400,000  
*Provided*, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Community services for child welfare ..... \$2,600,000  
*Provided*, That any unencumbered balance in the community services for child welfare account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

HealthWave ..... \$1,000,000  
*Provided*, That any unencumbered balance in the HealthWave account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Children's cabinet early childhood discretionary grant program ..... \$3,000,000  
*Provided*, That any unencumbered balance in the children's cabinet early childhood discretionary grant program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Medicaid ..... \$3,000,000  
*Provided*, That any unencumbered balance in the medicaid account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Immunization outreach ..... \$500,000  
 Family preservation ..... \$2,750,000  
 Grants to community mental health centers for children's programs ..... \$2,000,000  
 School violence prevention ..... \$228,000

(d) During the fiscal year ending June 30, 2003, 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, 2003, 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 2003 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 legislative research department.

(e) On July 1, 2002, 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.

(f) On July 1, 2002, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports,

(continued)

shall transfer \$12,000 from the Parsons state hospital and training center—canteen fund to the Parsons state hospital and training center—patient benefit fund.

(g) On July 1, 2002, 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 social welfare fund the amount specified by the secretary of social and rehabilitation services.

(h) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,332,070 from the temporary assistance to needy families federal fund to the social services block grant—federal fund.

(i) During the fiscal year ending June 30, 2003, 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.

(j) During the fiscal year ending June 30, 2003, 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, 2003, upon receipt of any such donation of moneys from private sources for deposit in the family and children endowment account of the family and children investment fund, the secretary of social and rehabilitation services shall match the amount of each such donation on a \$1 for \$1 basis from moneys appropriated for fiscal year 2003 for the department of social and rehabilitation services in accordance with this subsection. During the fiscal year ending June 30, 2002, and to provide such matching moneys, the secretary of social and rehabilitation services shall transfer amounts from any available moneys appropriated for fiscal year 2003 in one or more accounts of the state general fund or in one or more special revenue funds of the department of social and rehabilitation services, that in the aggregate are equal to the amount of moneys donated, to the family and children endowment account of the family and children investment fund.

(k) 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 for the fiscal year 2003, as authorized by this or other appropriation act of the 2002 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 2003 for the receipt, crediting and disbursement of moneys received by the department of social and rehabilitation services for payments of support pursuant to a rule or administrative order issued by the Kansas supreme court, which is hereby authorized to be issued by the Kansas supreme court, directing payments of support, which are made pursuant to any court order entered in this state regardless of the date of the order, to be made to a central unit for the collection and disbursement of support payments, notwithstanding the provisions of any statute to the contrary.

(l) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$10,000,000 from the SRS—IGT fund to the Larned state hospital—IGT fund.

(m) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$32,214,586 from the senior trust fund of the Kansas public employees retirement system to the SRS—IGT fund of the department of social and rehabilitation services.

(n) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$500,000 from the state medicaid match fund—SRS of the department of social and rehabilitation services to the state general fund: *Provided*, That the amount transferred from the state medicaid match fund—SRS of the department of social and rehabilitation services to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(o) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$2,000,000 from the social

welfare fund of the department of social and rehabilitation services to the state general fund: *Provided*, That the amount transferred from the social welfare fund of the department of social and rehabilitation services to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(p) 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 2003 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2003 to make adjustments, which are hereby authorized and directed to be made, in the eligibility and other provisions of the MediKan program to prescribe that assistance under the MediKan program is limited to 24 months for each recipient and in the eligibility and other provisions of the general assistance program to prescribe that assistance under the general assistance program is limited to 24 months for each recipient: *Provided*, That no such twenty-four-month period of assistance shall commence prior to July 1, 2002: *Provided further*, That the secretary of social and rehabilitation services shall include provisions in the MediKan program and in the general assistance program to exempt recipients of assistance under such programs from such twenty-four-month limitations on assistance in cases of undue hardship: *And provided further*, That at no time shall more than 20% of the persons receiving assistance under the MediKan program or under the general assistance program be exempted from such twenty-four-month limitations on assistance because of undue hardship.

(q) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the balance of all moneys credited to the AIDS drug reimbursement program—federal fund of the department of health and environment to the Ryan White title II—federal fund of the department of social and rehabilitation services.

#### Sec. 96.

#### KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Kansas guardianship program..... \$1,002,137

*Provided*, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided however*, That expenditures from such reappropriated balance shall not exceed \$70,913 except upon approval of the state finance council.

#### Sec. 97.

#### DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures (including official hospitality) .. \$3,894,546

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Governor's teaching excellence scholarships ..... \$54,000

*Provided*, That all expenditures from the governor's teaching excellence scholarships account for teaching excellence scholarships shall be to provide grants of \$1,000 each to Kansas elementary and secondary public school teachers who are accepted to participate in the national board for professional teaching standards certification program under the governor's teaching excellence scholarships program which shall be administered by the state board of education: *Provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund.

Governor's teaching excellence awards ..... \$56,000  
 General state aid ..... \$1,789,496,000  
*Provided*, That any unencumbered balance in the general state aid account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That any unencumbered balance in the general state aid account shall be transferred to the inservice education aid account of the state general fund of the department of education to be used to fund approved inservice education programs as authorized by K.S.A. 72-9601 *et seq.*, and amendments thereto: *Provided, however*, That the amount transferred from such unencumbered balance shall not exceed \$2,000,000.

Supplemental general state aid ..... \$125,895,000  
*Provided*, That any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

School food assistance ..... \$2,510,486  
 School safety hotline ..... \$10,000  
 KPERS—employer contributions ..... \$108,762,960  
*Provided*, That any unencumbered balance in the KPERS—employer contributions account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *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.

Special education services aid ..... \$252,186,766  
*Provided*, 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. 2001 Supp. 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: *And provided further*, That for expenditures from the special education services aid account of the above agency, fully-trained reading recovery teacher leaders, selected by the agency in accordance with established criteria, shall be considered to be special teachers as defined in subsection (j)(1) of K.S.A. 2001 Supp. 72-962 and amendments thereto for the purpose of determining amounts of payments to be made to school districts in accordance with the provisions of K.S.A. 2001 Supp. 72-978 and amendments thereto from the amount remaining in the special education services aid account after deduction of expenditures made in accordance with the provisions of K.S.A. 2001 Supp. 72-893 and amendments thereto: *Provided, however*, That expenditures for fully-trained reading recovery teacher leaders considered to be special teachers shall not exceed \$180,000.

Parent education program ..... \$4,667,000  
*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: *Provided further*, That expenditures from this account for fiscal year 2003 for establishing and maintaining a Kansas training model that meets the requirement for the parents as teachers program shall not exceed \$27,500.

Inservice education aid ..... \$2,600,000  
*Provided*, That, in addition to moneys appropriated in the inservice education account, the department of education may make expenditures from this account of any moneys transferred to this account from the general state aid account of the state general fund of the department of education in an amount not to exceed \$2,000,000 for approved inservice education programs as authorized by K.S.A. 72-9601 *et seq.*, and amendments thereto.

Educable deaf-blind and severely handicapped children's programs aid ..... \$110,000  
 School district juvenile detention facilities and Flint Hills job corps center grants ..... \$5,599,393  
*Provided*, 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. 2001 Supp. 72-8187 and amendments thereto.  
 Any unencumbered balance in excess of \$100 as of June 30, 2002, in each of the following accounts is hereby reappropriated for fiscal year 2003: Mentor teacher program grants: *Provided*, That, notwithstanding the provisions of K.S.A. 2001 Supp. 72-1412 *et seq.*, expenditures shall be made from the mentor teacher program grants account for grants to beginning teachers in their first year of teaching.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund ..... No limit  
 School district capital improvements fund ..... No limit  
*Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-6761 and amendments thereto.

Conversion of materials and equipment fund ..... No limit  
 State safety fund ..... No limit  
 School bus safety fund ..... No limit  
 Goals 2002 federal 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  
 Educational interpreter performance assessment fee fund ..... No limit

*Provided*, That expenditures may be made from the educational interpreter performance assessment fee fund for operating expenditures incurred in conjunction with the operation of the educational interpreter performance program: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for educational interpreter performance assessments and other services provided under the interpreter performance assessment program: *And provided further*, That all such fees shall be deposited in the state treasury and credited to the educational interpreter performance assessment fee fund.

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

(continued)

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
Education for economic security act—federal fund .....	No limit
Drug abuse fund—department of education—federal .....	No limit
Federal class size reduction fund .....	No limit
School renovation grants—federal fund .....	No limit
Drug abuse funds—federal—state operations fund .....	No limit
Inservice education workshop fee fund.....	No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury and 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 and 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 to provide grants of \$1,000 each to Kansas elementary and secondary public school teachers who are accepted to participate in the national board for professional teaching standards certification program under the governor's teaching excellence scholarships program which shall be administered by the state board of education: *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 and credited to this 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
Community service grants —federal fund .....	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

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2003, the following:

Grant to the Kansas optometric association for vision study .....	\$300,000
<i>Provided</i> , That any unencumbered balance in the grant to the Kansas optometric association for vision study account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	
Parent education program .....	\$2,500,000
<i>Provided</i> , That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	
General state aid four-year-old at-risk.....	\$4,500,000
<i>Provided</i> , That any unencumbered balance in the general state aid four-year-old at-risk account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	
Special education services aid.....	\$1,225,000

(d) On July 1, 2002, 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.

(e) On July 1, 2002, and quarterly thereafter, the director of accounts and reports shall transfer \$59,069 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

(f) On June 30, 2003, the director of accounts and reports shall transfer \$100,000 from the certificate fee fund of the department of education to the state general fund: *Provided*, That the amount transferred from the certificate fee fund of the department of education to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 98.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures .....	\$1,548,377
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: <i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.	

Grants to libraries and library systems .....

\$3,741,031
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*Provided*, That, of the moneys appropriated in the grants to libraries and library systems account, \$2,735,223 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555 and amendments thereto, \$620,033 shall be distributed for interlibrary loan development grants and \$385,775 shall be paid according to contracts with the subregional 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, 2003, 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

Sec. 99.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures .....	\$339,159
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: <i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$4,000: <i>Provided further</i> , That expenditures may be made by the above agency from any amount of savings in the operating expenditures account for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects.	

Arts programming grants and challenge grants..... \$1,285,298  
*Provided*, That expenditures from the arts programming grants and challenge grants account shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects: *Provided further*, That expenditures from this account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 fee fund.....	No limit
Kansas arts commission gifts, grants and bequests fund.....	No limit
Kansas arts commission special gifts fund.....	No limit
Arts programming grants fund.....	No limit

*Provided*, That moneys received by the Kansas arts commission from the remittance of the unexpended balance of arts programming grants to the commission shall be deposited in the state treasury and credited to the arts programming grants fund: *Provided further*, That expenditures from this fund shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects.

Sec. 100.

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, 2003, the following:

Operating expenditures.....	\$4,284,536
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Arts for the handicapped.....	\$150,000
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Any unencumbered balance in excess of \$100 as of June 30, 2002, in the technology lending library account is hereby reappropriated for fiscal year 2003: *Provided, however*, That all expenditures from the technology lending library account shall be made only for the purpose of matching an equal or greater amount of federal or other nonstate governmental grant moneys or private grant or donation moneys, or any combination thereof, received by the Kansas state school for the blind: *Provided further*, That no expenditures shall be made from this account 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 in subsection (c) of K.S.A. 75-3711c and amendments thereto, after receiving information that the Kansas state school for the blind has received the required matching funds.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 and credited to the local services reimbursement fund.

Student activity fees fund.....	No limit
Special bequest fund.....	No limit
Gift fund.....	No limit
Technology lending library fund.....	No limit

Food assistance—cash for commodities—federal fund.....	No limit
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Food assistance—breakfast—federal fund.....	No limit
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Food assistance—lunch—federal fund.....	No limit
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Chapter I handicapped—federal fund.....	No limit
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Education improvement—federal fund.....	No limit
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Math and science improvement—federal fund.....	No limit
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Elementary and secondary—federal fund.....	No limit
Supported employment initiative—federal fund.....	No limit

Sec. 101.

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, 2003, the following:

Operating expenditures.....	\$7,168,251
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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.....	\$87,000
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 and credited to the local services reimbursement fund: *And provided further*, That all expenditures from this fund shall be for capital outlay.

Student activity fees fund.....	No limit
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Elementary and secondary education act—federal fund.....	No limit
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Vocational education fund—federal.....	No limit
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Special bequest fund.....	No limit
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Special workshop fund.....	No limit
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Gift fund.....	No limit
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Sec. 102.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures.....	\$5,825,865
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,095 except upon approval of the state finance council: *Provided further*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,500.

Kansas humanities council.....	\$85,000
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Lewis and Clark bicentennial commission.....	\$250,000
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
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 from such services shall be credited to the archeology fee fund.

Microfilm fees fund.....	\$60,223
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*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 from such services shall be credited to the microfilm fees fund.

(continued)

Records center fee fund.....	No limit
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
<i>Provided</i> , That expenditures from the heritage trust fund for state operations shall not exceed \$108,932.	
Land survey fee fund.....	No limit
State historical society facilities fund.....	No limit
Unmarked burial sites fund.....	No limit
Historic properties fund.....	No limit
Law enforcement memorial fund.....	No limit
Other federal grants fund.....	No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2003 other than moneys appropriated by this or other appropriation act of the 2002 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.

(c) On July 1, 2002, the director of accounts and reports shall transfer all moneys in the summer program in recording and representing historic structures fund of the state historical society to the state economic development initiatives fund. On July 1, 2002, all liabilities of the summer program in recording and representing historic structures fund of the state historical society, including any outstanding encumbrances, are hereby transferred to and imposed on the state economic development initiatives fund and the summer program in recording and representing historic structures fund of the state historical society is hereby abolished.

(d) On July 1, 2002, the federal grants fund of the state historical society is hereby redesignated as the other federal grants fund of the state historical society.

Sec. 103.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures (including official hospitality) .. \$31,951,242

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures from this account may be made to pay faculty and staff members retiring on or after July 1, 1962, the difference between the retirement benefits established under the former unfunded state board of regents' retirement plan and the benefits to which these individuals would be entitled under the Kansas public employees retirement system.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 from the general fees fund may be made only for salaries and wages and for other operating expenditures and shall not be made for capital improvements.

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; Reveille (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; national science foundation grants; veterans administration; federal programs and research grants; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; mid-western 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 to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from this fund to 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: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student-exchange account of the restricted fees fund.

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

Scholarship funds fund..... No limit

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

Health professions student assistance program fund.... No limit

Nine month payroll clearing account fund..... No limit

Oil research library gifts and grants fund..... No limit

National direct student loan fund..... No limit

Housing system revenue fund..... No limit

Institutional overhead fund..... No limit

Oil and gas royalties fund..... No limit

Equipment reserve fund..... No limit

*Provided*, That expenditures from the equipment reserve fund shall be made only for the purchase of equipment.

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

Wildlife art fund..... No limit

Kansas distinguished scholarship fund..... No limit

(c) On July 1, 2002, 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 national direct student loan fund.

(d) On July 1, 2002, 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 \$100,000 from the general fees fund to the education opportunity act—federal fund.

Sec. 104.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures (including official hospitality) .. \$106,888,956

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from this account may be made to pay faculty and staff members retiring on or after July 1, 1962, the difference between the retirement benefits established under the former unfunded state board of regents' retirement plan and the benefits to which these individuals would be entitled under the Kansas public employees retirement system.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 from the general fees fund may be made only for salaries and wages and for other operating expenditures and shall not be made for capital improvements.

Interest on endowment fund ..... No limit  
 Restricted fees fund ..... No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Educational opportunity grants; technology equipment; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; ion collision laboratory—federal; chemical engineering; nuclear engineering; contract—post office—federal government; 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; student financial assistance—federal reimbursement; higher education act; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education—Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations; speech receipts; art museum; exchange program; flight training lab fees; off campus work study; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; biotechnology facility; English language program; international programs; federal direct student loans; Bramlage coliseum; 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 to the credit of 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; 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

*Provided*, That the above agency may transfer moneys from the sponsored research overhead fund of Kansas state university to the sponsored research overhead fund of Kansas state university extension systems and agriculture research programs.

Housing system suspense fund ..... No limit  
 Housing system operations fund ..... No limit  
 Housing system repairs, equipment and improvement fund ..... No limit

Student recreation building program fund ..... No limit  
 Coliseum operations fund ..... No limit  
 Coliseum gifts 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  
 Equipment reserve fund ..... No limit

*Provided*, That expenditures from the equipment reserve fund shall be made only for the purchase of equipment.

Engineering and education gift fund ..... No limit  
 U.S. army research grant—metal particle chemistry fund ..... No limit

Board of regents—U.S. department of education awards fund ..... No limit

Research projects grants fund ..... No limit  
 Research projects grants matching 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—dormitory and food service fees fund ..... No limit

Kansas distinguished scholarship fund ..... No limit

Tuition accountability 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

Grants and gifts fund ..... No limit

(c) On July 1, 2002, 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 \$97,924 from the general fees fund to the Perkins student loan fund.

(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by

(continued)

the president of Kansas state university of not to exceed \$215,000 from the general fees fund to the educational opportunity grants account of the restricted fees fund.

(e) On or before the 10th of each month during the fiscal year ending June 30, 2003, the director of accounts and reports shall transfer from the state general fund to the grants and gifts fund interest earnings based on: (1) The average daily balance of moneys in the grants and gifts fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(f) On July 1, 2002, the director of accounts and reports shall transfer all moneys in the Howard Hughes grant fund of Kansas state university, to the engineering and education gift fund of Kansas state university which is hereby created. On July 1, 2002, all liabilities of the Howard Hughes grant fund of Kansas state university, including any outstanding encumbrances, are hereby transferred to and imposed on the engineering and education gift fund of Kansas state university and the Howard Hughes grant fund of the Kansas state university is hereby abolished.

Sec. 105.

**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, 2003, the following:

Operating expenditures (including official hospitality) .. \$785,757

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Cooperative extension service (including official hospitality) ..... \$18,528,524

*Provided*, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Agricultural experiment stations (including official hospitality) ..... \$29,888,728

*Provided*, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund..... No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; technology equipment; professorships; agricultural experiment station, director's office; agronomy—Ashland farm; KSU agricultural research center—Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy—general; agronomy—experimental field crop sales; entomology sales; grain science and industry—Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; animal resource facility; animal health and disease research; higher education act; 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; research projects grants; research projects grants matching; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; other specifically designated receipts not available for general operations of the university. *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of 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 ag-

ricultural mediation service account of the restricted fees fund during fiscal year 2003.

Fertilizer research fund.....	No limit
Sponsored research overhead fund .....	No limit
Federal extension fund.....	No limit
Federal experimental station fund.....	No limit
Federal awards—advance payment fund.....	No limit
Smith-Lever special program grant—federal fund.....	No limit
Faculty of distinction matching fund .....	No limit
Kansas artificial breeding service unit fees fund.....	No limit
Agricultural land use-value fund .....	No limit
Irrigation research field grant fund .....	No limit

Sec. 106.

**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, 2003, the following:

Operating expenditures (including official hospitality) .. \$10,052,324

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
Hospital and diagnostic laboratory 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; technology equipment; pathology fees; laboratory test fees; higher education act; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; 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 to the credit of 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
H.E.W. veterinary revolving student loan fund .....	No limit
Student loan funds fund .....	No limit
Suspense fund .....	No limit
Equipment reserve fund.....	No limit

*Provided*, That expenditures from the equipment reserve fund shall be made only for the purchase of equipment.

(c) On July 1, 2002, 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 \$10,000 from the general fees fund to the health professions student loan fund.

Sec. 107.

**EMPORIA STATE UNIVERSITY**

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures (including official hospitality) .. \$30,572,053

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.



(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 from the general fees fund may be made only for salaries and wages and for other operating expenditures and shall not be made for capital improvements.

Interest fund ..... No limit

Restricted fees fund ..... No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; national science foundation grants; national defense education act; gifts and grants (for teaching, research and capital improvements); business school contributions; state department of education (vocational); elementary and secondary education act—federal; library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern exchange; departmental receipts—for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of 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 to the credit of the midwestern student exchange account of the restricted fees fund.

Service clearing fund ..... No limit

*Provided*, That the service clearing fund shall be used for the following service activities: Telecommunications services; office supplies inventory; state car operation; E.S.U. press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; data processing center; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Commencement fees fund ..... No limit

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

Student health fees fund ..... No limit

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

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

Bureau of educational measurements fund ..... No limit

Scholarship funds 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

Equipment reserve fund ..... No limit

*Provided*, That expenditures from the equipment reserve fund shall be made only for the purchase of equipment.

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

(c) On July 1, 2002, 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.

(d) On July 1, 2002, 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 \$70,000 from the general fees fund to the educational opportunity grants—federal fund.

Sec. 108.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures (including official hospitality) .. \$33,356,613

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures from this account may be made to pay faculty and staff members retiring on or after July 1, 1962, the difference between the retirement benefits under the former unfunded state board of regents' retirement plan and the benefits to which these individuals would be entitled under the Kansas public employees retirement system.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 expenditures from the general fees fund may be made only for salaries and wages and for other operating expenditures and shall not be made for capital improvements: *Provided further*, That any transfers of moneys from this fund to the equipment reserve fund pursuant to subsection (c) shall be deemed expenditures for the purpose of the expenditure limitation imposed on this fund.

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; national science foundation grants, department of education, and other federal grants, including Pell grants, SEOC grants; flight training; library service collections and fines; state department of education and grants from other state agencies; *Midwest Quarterly*; chamber music series; contract—post office; gifts and grants; general fees transfer for SEOC match; intensive English program; business and technology institute; public sector radio station activities; economic opportunity—state match; research projects grants; career work study; regents supplemental grants; contiguous county fees; midwestern student exchange; 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 to the credit of 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 all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

(continued)

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; telephone services; data processing; 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.

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  
 Equipment reserve fund ..... No limit

*Provided*, That expenditures from the equipment reserve fund shall be made only for the purchase of equipment.

Housing system suspense fund ..... No limit  
 Housing system operations fund ..... No limit  
 Housing system repairs, equipment and improvement fund ..... No limit

*Provided*, That expenditures may be made from the housing system repairs, equipment and improvement fund for capital improvement projects for housing system maintenance and improvements.

Kansas comprehensive grant fund ..... No limit  
 Kansas distinguished scholarship program fund ..... No limit

(c) During the fiscal year ending June 30, 2003, 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; economic opportunity—state match account of the restricted fee fund; nursing student loan fund.

Sec. 109.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures (including official hospitality) .. \$132,472,183  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Geological survey ..... \$6,215,544  
*Provided*, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 from the general fees fund may be made only for salaries and wages and for other operating expenditures, but shall not be made for capital improvements: *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 and credited to this fund: *And provided further*, That the director of accounts and reports shall transfer on a periodic basis amounts generated from such courses as specified by the chancellor of the university of Kansas, or the chancellor's designee, from the general fees fund to the regents center development fund: *And provided further*, That the amounts specified to be transferred from the general fees fund to the regents center development fund shall be amounts generated from the courses offered at the regents center on the Edwards campus in excess of the amount equal to the total of \$2,383,301 plus the amount attributable to the in-

crease in the rate of tuition charged in fiscal year 2003 above the rate of tuition charged in fiscal year 2002.

Regents center development fund ..... No limit  
*Provided*, That expenditures shall be made from the regents center development fund for program operations and development and for capital improvements at the Edwards campus: *Provided further*, That the fund may be pledged to debt service for capital improvements at the Edwards campus.

Interest fund ..... No limit  
 Sponsored research overhead fund ..... No limit  
 Law enforcement training center fund ..... No limit

*Provided*, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided, however*, That any academic credit granted through this program shall not be included in the university's budgeted enrollment figures: *Provided further*, That the amount of any unencumbered balance of the amount made available for expenditure from this fund for capital improvements in fiscal year 1993 by section 9(b) of chapter 215 of the 1992 Session Laws of Kansas and amendments thereto is hereby authorized to be expended during fiscal year 2003: *And provided further*, That expenditures may be made from this fund for the acquisition of tracts of land adjacent to the law enforcement training center.

Law enforcement training center fees fund ..... No limit  
*Provided*, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund ..... No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Institute for public policy and business research; technology equipment; clinical psychology conference; concert course; residence hall maintenance; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; housing and residence halls; endowment research salaries; engineering research salaries; music and art camp; national defense education programs; 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 to the credit of 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.

Service clearing fund ..... No limit  
*Provided*, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; furniture stores; business office stores; university printing service; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Health service fund ..... No limit  
*Provided*, That expenditures from the health service fund may be made for the purchase of medical malpractice liability coverage for individuals

employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Kansas career work study program fund .....	No limit
Student union fund.....	No limit
Regents supplemental grant fund .....	No limit
National direct student loan fund .....	No limit

*Provided*, That expenditures from the national direct student loan fund shall be used for the federal Perkins student loan program, federal supplemental educational opportunity program and federal disadvantaged student loan program.

Ford foundation—forgivable loan fund.....	No limit
Health professions student loan fund .....	No limit
Geological survey fund .....	No limit
Equipment reserve fund.....	No limit

*Provided*, That expenditures from the equipment reserve fund shall be made only for the purchase of equipment.

Research projects grants fund .....	No limit
Research projects grants matching fund.....	No limit
Housing system suspense fund .....	No limit
Housing system 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
Tuition accountability fund .....	No limit

(c) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$285,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Federal Perkins student loan program account of the national direct student loan fund; federal supplemental educational opportunity program account of the national direct student loan fund; federal disadvantaged student loan program account of the national direct student loan fund; health professions student loan fund; other funds or accounts established for campus-based loan programs sponsored by the federal government.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, for the water plan project or projects specified, the following:

Geological survey .....	\$45,000
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*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the geological survey account is hereby reappropriated for fiscal year 2003.

Sec. 110.

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, 2003, the following:

Operating expenditures (including official hospitality) ..	\$104,684,175
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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, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures may be made from this account for the purchase of malpractice insurance for students in training at the university of Kansas school of medicine, nursing and allied health: *And provided further*, That such malpractice insurance shall be approved by the commissioner of insurance of the state of Kansas: *And provided further*, That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
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; salaries 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; school of allied health e-learning fees; school of nursing e-learning fee; surplus property sales; student union fees; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; fungal sales; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; department of social and rehabilitation services cost-sharing; *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *And provided further*, That all restricted fees shall be deposited to the credit of the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Sponsored research overhead fund .....	No limit
Parking fees fund .....	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.

College work-study fund.....	No limit
Student union fees fund .....	No limit
Scholarship funds fund.....	No limit
Health professions student loan fund—medical students .....	No limit
Health professions student loan fund—nursing students .....	No limit
Revolving student loans fund .....	No limit
Student loans fund .....	No limit
Suspense fund .....	No limit
Prepaid tuition fees clearing fund .....	No limit
Educational opportunity grant fund.....	No limit
Basic educational opportunity grant fund.....	No limit
National direct student loan fund .....	No limit
Medical scholarship and loan repayment fund .....	No limit

*Provided*, That expenditures from this 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 scholarship and loan repayment fund or on the total expenditures from the medical scholarship and loan repayment fund.

Equipment reserve fund.....	No limit
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*Provided*, That expenditures from the equipment reserve fund shall be made only for the purchase of equipment.

(continued)

Graduate medical education administration reserve fund .....	No limit
University of Kansas medical center private practice foundation reserve fund .....	No limit
Robert Wood Johnson foundation loan fund.....	No limit

(c) On July 1, 2002, 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: National direct student loan fund; federal basic educational opportunity grant fund; federal college work-study fund; health professions student loan fund—medical students; health professions student loan fund—nursing students.

(d) During the fiscal year ending June 30, 2003, medical students enrolled at the university of Kansas medical center are hereby self-insured by the state of Kansas while in clinical training at the university of Kansas medical center or at other health care institutions. Such individuals shall be considered employees for purposes of the Kansas tort claims act and shall be provided defense and indemnification for claims arising out of their clinical training at the university of Kansas medical center or at other health care institutions in accordance with the provisions of the Kansas tort claims act. With in the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for such medical students. Any such malpractice insurance purchase shall be approved by the commissioner of insurance of the state of Kansas.

(e) During the fiscal year ending June 30, 2003, the director of accounts and reports shall transfer an amount specified by the chancellor prior to July 1, 2002, from the general fees fund to the student health insurance premiums account of the restricted fees fund.

(f) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2003, the following:

Telekid health care link .....	\$250,000
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2002, in the telekid health care link account is hereby reappropriated for fiscal year 2003.	
Pediatric biomedical research.....	\$2,000,000
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2002, in the Pediatric biomedical research account is hereby reappropriated for fiscal year 2003.	

Sec. 111.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures (including official hospitality) ..	\$65,903,685
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund.....	No limit
<i>Provided</i> , That expenditures from the general fees fund may be made only for salaries and wages and for other operating expenditures and shall not be made for capital improvements.	
Restricted fees fund.....	No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts—for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amend-

ments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited to the credit of 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.

Service clearing fund .....	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.	
Faculty of distinction matching fund .....	No limit
Kansas career work study program fund .....	No limit
National direct student loan fund .....	No limit
Scholarship funds fund.....	No limit
Sponsored research fund .....	No limit
Sponsored research overhead fund .....	No limit
Economic opportunity act—federal fund .....	No limit
Matching education opportunity grant fund .....	No limit
Work-study program fund.....	No limit
Health professions student assistance program—loans fund .....	No limit
Nine month payroll clearing account fund.....	No limit
Equipment reserve fund.....	No limit
<i>Provided</i> , That expenditures from the equipment reserve fund shall be made only for the purchase of equipment.	
Pell grants fund.....	No limit
Housing system suspense fund .....	No limit
Housing system renovation principal and interest 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
1971 academic and service building maintenance fund .....	No limit
WSU housing systems revenue fund.....	No limit
1976 dormitory maintenance reserve fund .....	No limit
Tuition accountability fund .....	No limit

(c) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Wichita state university of not to exceed \$150,000 from the general fees fund to the matching education opportunity grant fund.

(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$183,730 from the WSU housing systems revenue fund of Wichita state university to the state general fund.

(e) On July 1, 2002, the education opportunity grant—federal fund of Wichita state university is hereby redesignated as the matching education opportunity grant fund of Wichita state university.

Sec. 112.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures (including official hospitality) ..	\$3,645,583
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	
State scholarship program.....	\$1,278,688

*Provided*, 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: *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 ..... \$11,000,000  
Ethnic minority scholarship program ..... \$361,069

*Provided*, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,500 except upon approval of the state finance council.

Kansas work-study program ..... \$538,951

*Provided*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *Provided further*, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC scholarship reimbursement ..... \$192,166

*Provided*, That all expenditures from the ROTC scholarship reimbursement account for reimbursements under K.S.A. 74-3256 and amendments thereto to any state educational institution under the jurisdiction of the state board of regents shall be made as transfers to the general fees fund of such state educational institution as a transaction between state agencies in accordance with subsection (b) of K.S.A. 75-5516 and amendments thereto.

Teachers scholarship program ..... \$374,277

Vocational scholarships ..... \$125,000

Nursing student scholarship program ..... \$248,563

*Provided*, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Optometry education program ..... \$115,000

Municipal university operating grant ..... \$10,594,032

Postsecondary aid for vocational education ..... \$20,499,202

Adult basic education ..... \$1,100,000

Community college operating grant ..... \$85,174,486

Technology equipment at community colleges and Washburn university ..... \$450,000

*Provided*, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of education.

Hesston college flagpole ..... \$500

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic scholarship repayment fund ..... \$480,000

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 to 72-6816, inclusive, and amendments thereto or a tuition grant under K.S.A. 72-6107 to 72-6111, inclusive, and amendments thereto, or both: *And provided further*, That there shall be no reduction of any schol-

arship awarded from this fund for the amount of any such state scholarship or tuition grant received.

Kan-Ed 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

Adult basic education—federal fund ..... No limit

Truck driver training fund ..... No limit

Eisenhower professional state grants fund—federal ..... 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

Voluntary tax sheltered annuity clearing fund ..... No limit

Substance abuse education fund—federal ..... No limit

Mandatory retirement annuity clearing fund ..... No limit

Nursing student scholarship program fund ..... No limit

Kansas ethnic minority discontinued attendance fund ..... No limit

Clearing fund ..... No limit

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

Teacher scholarship program fund ..... No limit

Financial aid services fee fund ..... No limit

*Provided*, That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: *Provided further*, That the executive director of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications for student financial assistance under programs administered by the state board of regents: *And provided further*, That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury and credited to this fund.

Optometry education repayment fund ..... No limit

Teacher scholarship repayment fund ..... No limit

Advanced registered nurse practitioner program fund ..... No limit

Nursing student scholarship discontinued attendance fund ..... No limit

Nursing student 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

Carl D. Perkins technical preparation—federal fund ..... No limit

FICA recovery fund ..... No limit

*Provided*, That the state treasurer shall deposit any moneys received by any state educational institution from the federal government for repayment of payroll or other taxes improperly paid to the federal government to the credit of the FICA recovery fund: *Provided further*, That all moneys in the FICA recovery fund shall be used by the state board of regents to reimburse the department of education, department of administration and state board of regents for direct costs and time incurred in obtaining repayment of payroll or other taxes improperly paid: *And provided further*, That all such reimbursements shall be in addition to any expenditure limitation imposed on this fund.

(c) During the fiscal year ending June 30, 2003, 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 in an account for the fiscal year ending June 30, 2003, from the state general fund to another item of appropriation in an account. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department. As used in this subsection, "account" means the operating expenditures (including official hospitality) accounts

(continued)

of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university, Fort Hays state university and the municipal university operating grant account of the state board of regents, the post secondary aid for vocational education account of the state board of regents and the community college operating grant account of the state board of regents.

(d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2003, the following:

Vocational education capital outlay aid..... \$2,565,000

Provided, That expenditures from the vocational education capital outlay aid account for each grant of vocational educational capital outlay aid shall be matched by the area vocational school, the area vocational-technical school or the technical college 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, 2002, in the vocational education capital outlay aid account is hereby reappropriated for fiscal year 2003.

Postsecondary aid for vocational education ..... \$6,144,277

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the postsecondary aid for vocational education account is hereby reappropriated for fiscal year 2003.

Technology innovation and internship program..... \$190,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the technical innovation and internship account is hereby reappropriated for fiscal year 2003.

Sec. 113.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Central administration operations and parole and post-release supervision operations ..... \$13,470,469

Provided, That any unencumbered balance in the central administration operations and parole and postrelease supervision operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$762 except upon approval of the state finance council.

Community corrections ..... \$14,153,685

Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$30,535 except upon approval of the state finance council: Provided further, 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 2003 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: And provided further, That the sum of \$375,000 shall be expended from this account to fund condition violator grants: And provided further, That the sum of \$250,000 shall be expended from this account to fund adult intensive supervision basic grants, which shall be in addition to any other expenditures the department of corrections allocates for such purpose.

Day reporting center state match..... \$335,221

Provided, That any unencumbered balance in the day reporting center state match account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$779, except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislation delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto: Provided further, That all expenditures from the day reporting center state match account shall be made for the purpose of providing the required state match for receipt of federal funds for day reporting centers: And provided further, That all expenditures from the day reporting center state match account shall be made pursuant to a contract which is hereby authorized to be entered into by the secretary of corrections with a private entity for operation of such day reporting

centers: And provided further, That such contract shall be designed to use day reporting centers to divert offenders who would otherwise occupy prison space making additional prison space available for violent offenders.

Local jail payments ..... \$1,734,000

Provided, That notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under subsection (b) of K.S.A. 19-1930, and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate program, for the department of corrections.

Community correctional conservation camp ..... \$2,409,250

Conservation camp for female offenders ..... \$449,228

Provided, That any unencumbered balance in the conservation camp for female offenders account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$847 except upon approval of the state finance council.

Treatment and programs ..... \$31,527,900

Provided, That expenditures from the treatment and programs account for malpractice insurance shall not be greater than the amount obtained by multiplying \$5,000 by the approved number of positions equated to full-time for individuals employed as physician specialists, physician assistants and dentists: Provided further, That the sum of \$250,000 shall be used from this account to fund substance abuse treatment programs in the facilities of the above agency, which shall be in addition to any other expenditures the department of corrections allocates for such purpose.

Topeka correctional facility—facilities operations ..... \$10,919,079

Provided, That any unencumbered balance in the Topeka correctional facility—facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$2,959 except upon approval of the state finance council.

Hutchinson correctional facility—facilities operations .. \$24,569,727

Provided, That any unencumbered balance in the Hutchinson correctional facility—facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$1,766 except upon approval of the state finance council.

Lansing correctional facility—facilities operations ..... \$33,391,393

Provided, That any unencumbered balance in the Lansing correctional facility—facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$339 except upon approval of the state finance council.

Ellsworth correctional facility—facilities operations ..... \$10,579,155

Provided, That any unencumbered balance in the Ellsworth correctional facility—facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$286 except upon approval of the state finance council.

Winfield correctional facility—facilities operations ..... \$9,909,667

Provided, That any unencumbered balance in the Winfield correctional facility—facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

Norton correctional facility—facilities operations ..... \$12,176,876

Provided, That any unencumbered balance in the Norton correctional facility—facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$7,528 except upon approval of the state finance council.

El Dorado correctional facility—facilities operations.... \$20,925,952

Provided, That any unencumbered balance in the El Dorado correctional facility—facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$182 except upon approval of the state finance council.

Larned correctional mental health facility—facilities operations ..... \$7,921,558

*Provided*, That any unencumbered balance in the Larned correctional mental health facility—facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$14,423 except upon approval of the state finance council.

Facilities operations ..... \$12,380,083

*Provided*, That the department of corrections is authorized to enter into an extension of up to three years of the existing contract for food services, which is scheduled to expire at the end of fiscal year 2003: *Provided further*, That such food services contract extension shall be exempt from the competitive bidding 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, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Other federal grants fund ..... No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$1,000,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2003 other than moneys appropriated by this or other appropriation act of the 2002 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$1,000,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

- Supervision fees fund ..... No limit
- Asset forfeiture—federal fund ..... No limit
- Residential substance abuse treatment—federal fund .. No limit
- Justice assistance—federal fund ..... No limit
- Department of corrections state asset forfeiture fund .. No limit
- Carl Perkins act—federal fund ..... No limit
- Criminal Justice Information System—federal fund..... No limit
- Violent offender incarceration and truth in sentencing incentive grants—federal fund..... No limit
- Chapter I—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
- State of Kansas—department of corrections inmate benefit fund..... No limit

*Provided*, That in addition to any other expenditure authorized from the state of Kansas—department of corrections inmate benefit fund, the sum of \$15,000 shall be expended for fiscal year 2003 to fund a portion of the operations of the office of the ombudsman of corrections.

- 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 credited to this fund.

- Victims of crime act—federal fund..... No limit
- Topeka correctional facility—community development block grant—federal fund..... No limit
- Topeka correctional facility—general fees fund..... No limit
- Topeka correctional facility—inmate canteen fund ..... No limit
- Topeka correctional facility—inmate benefit fund ..... No limit

Topeka correctional facility—institutional library services grant fund—federal ..... No limit

Topeka correctional facility—alien incarceration grant fund—federal ..... No limit

Hutchinson correctional facility—general fees fund.... No limit

Hutchinson correctional facility—inmate canteen fund ..... No limit

Hutchinson correctional facility—inmate benefit fund ..... No limit

Hutchinson correctional facility—drug free demonstration project—federal fund ..... No limit

Hutchinson correctional facility—institutional library services grant fund—federal..... No limit

Hutchinson correctional facility—alien incarceration grant fund—federal ..... No limit

Lansing correctional facility—general fees fund ..... No limit

Lansing correctional facility—inmate canteen fund .... No limit

Lansing correctional facility—inmate benefit fund ..... No limit

Lansing correctional facility—institutional library services grant fund—federal..... No limit

Lansing correctional facility—alien incarceration grant fund—federal ..... No limit

Ellsworth correctional facility—general fees fund..... No limit

Ellsworth correctional facility—inmate canteen fund ... No limit

Ellsworth correctional facility—inmate benefit fund .... No limit

Ellsworth correctional facility—institutional library services grant fund—federal..... No limit

Ellsworth correctional facility—alien incarceration grant fund—federal ..... No limit

Winfield correctional facility—general fees fund ..... No limit

Winfield correctional facility—inmate canteen fund .... No limit

Winfield correctional facility—inmate benefit fund .... No limit

Winfield correctional facility—institutional library services grant fund— federal ..... No limit

Winfield correctional facility—alien incarceration grant fund—federal ..... No limit

Norton correctional facility—general fees fund ..... No limit

Norton correctional facility—inmate canteen fund ..... No limit

Norton correctional facility—inmate benefit fund ..... No limit

Norton correctional facility—institutional library services grant fund—federal..... No limit

Norton correctional facility—alien incarceration grant fund—federal ..... No limit

El Dorado correctional facility—general fees fund ..... No limit

El Dorado correctional facility—inmate canteen fund ..... No limit

El Dorado correctional facility—inmate benefit fund... No limit

El Dorado correctional facility—institutional library services grant fund—federal..... No limit

El Dorado correctional facility—alien incarceration grant fund—federal ..... No limit

Larned correctional mental health facility—general fees fund ..... No limit

Larned correctional mental health facility—inmate canteen fund ..... No limit

Larned correctional mental health facility—inmate benefit fund..... No limit

Larned correctional mental health facility—institutional library services grant fund—federal..... No limit

Larned correctional mental health facility—justice assistance—federal fund..... No limit

Larned correctional mental health facility—alien incarceration grant fund—federal ..... No limit

(c) During the fiscal year ending June 30, 2003, 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, 2003, 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 2003 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 secre-

(continued)

tary 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 legislative research department.

(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$113,662 from the state of Kansas—department of corrections inmate benefit fund to the supervision fees fund.

(e) On October 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$106,000 from the correctional industries fund to the Lansing correctional facility—general fees fund.

(f) On October 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$147,000 from the correctional industries fund to the Norton correctional facility—general fees fund.

(g) On October 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$191,000 from the correctional industries fund to the department of corrections general fees fund.

(h) On July 1, 2002, and on January 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$378,764 from the correctional industries fund to the refunding revenue bond issue—principal and interest q bonds fund.

(i) Notwithstanding K.S.A. 75-3731, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim from the local jail payments account of the state general fund for costs pursuant to K.S.A. 19-1930 (b) 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.

(j) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, 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:

Victims of crime act—federal fund..... No limit

(k) Notwithstanding the provisions of subsection (d) of K.S.A. 75-5212, and amendments thereto, the secretary of corrections shall reduce the inservice training for correctional officers from a total of 80 hours to a total of 40 hours for the fiscal year ending June 30, 2003.

Sec. 114.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$30,508,893

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$11,007 except upon approval of the state finance council: Provided further, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Management information systems ..... \$1,203,190

Provided, That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$6,630 except upon approval of the state finance council.

Topeka juvenile correctional facility operations ..... \$12,481,024

Provided, That any unencumbered balance in the Topeka juvenile correctional facility operations subaccount of the facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the Topeka juvenile correctional facility operations account for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$11 except upon approval of the state finance council: Provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Atchison juvenile correctional facility operations ..... \$6,268,340

Provided, That any unencumbered balance in the Atchison juvenile correctional facility operations subaccount of the facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the Atchison juvenile correctional facility operations account for fiscal year 2003: Provided, however, That expenditures from such reappropriated balance shall not exceed \$6,419 except upon approval of the state finance council: Provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Beloit juvenile correctional facility operations ..... \$5,216,831

Provided, That any unencumbered balance in the Beloit juvenile correctional facility operations subaccount of the facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the Beloit juvenile correctional facility operations account for fiscal year 2003: Provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Larned juvenile correctional facility operations ..... \$5,319,187

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations subaccount of the facilities operations account in excess of \$100 as of June 30, 2002, is hereby reappropriated to the Larned juvenile correctional facility operations account for fiscal year 2003: Provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: And provided further, That the juvenile justice authority is hereby authorized to make expenditures from the Larned juvenile correctional facility operations account for fiscal year 2003 to utilize the Meyer building on the Larned state hospital grounds for relief of overcrowding.

(b) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2003, the following:

Prevention program grant ..... \$6,000,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the prevention program grant account is hereby reappropriated for fiscal year 2003: Provided, however, That all expenditures by the above agency from the prevention program grant account shall be for prevention program grants and evaluation of prevention programs for fiscal year 2003: Provided further, That money awarded as grants from this account shall be distributed according to the percentage distribution of a judicial district's high school graduation failure rate, averaged over a period of three years, and shall be subject to the requirement that no judicial district shall receive less than \$50,000: And provided further, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Intervention and graduated sanctions community grants ..... \$2,000,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the intervention and graduated sanctions community grants account is hereby reappropriated for fiscal year 2003.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 justice delinquency prevention—federal fund ..... No limit

Juvenile detention facilities fund ..... \$4,082,535

Juvenile justice fee fund ..... No limit



Kansas juvenile delinquency prevention trust fund.....	No limit
Juvenile justice federal fund.....	No limit
Juvenile justice community planning fund.....	No limit
Byrne grant—federal fund.....	No limit
Construction of juvenile correctional facilities fund—VOI/TIS.....	No limit
Topeka juvenile correctional facility fee fund.....	No limit
Topeka juvenile correctional facility improvement fund.....	No limit
Topeka juvenile correctional facility—elementary and secondary education fund—federal.....	No limit
Topeka juvenile correctional facility—canteen fund.....	No limit
Topeka juvenile correctional facility—patient benefit fund.....	No limit
Atchison juvenile correctional facility fee fund.....	No limit
Atchison juvenile correctional facility—elementary and secondary education fund—federal.....	No limit
Atchison juvenile correctional facility—canteen fund.....	No limit
Atchison juvenile correctional facility—patient benefit fund.....	No limit
Beloit juvenile correctional facility fee fund.....	No limit
Beloit juvenile correctional facility—elementary and secondary education fund—federal.....	No limit
Beloit juvenile correctional facility—canteen fund.....	No limit
Beloit juvenile correctional facility—patient benefit fund.....	No limit
Larned juvenile correctional facility fee fund.....	No limit

(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$90,000 from the alcohol and drug abuse block grant federal fund of the department of social and rehabilitation services to the juvenile justice federal fund of the juvenile justice authority.

(e) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$46,705 from the alcohol and drug abuse block grant federal fund of the department of social and rehabilitation services to the Beloit juvenile correctional facility fee fund of the juvenile justice authority.

(f) During the fiscal year ending June 30, 2003, 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, 2003, 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 2003 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 legislative research department.

(g) 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 2003, 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 2003 for purchase of services: *Provided*, That all expenditures for such purpose shall be in addition to any expenditure limitation imposed on the juvenile detention facilities fund for fiscal year 2003.

Sec. 115.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures.....	\$4,398,908
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,250.	
Civil air patrol—operating expenditures.....	\$26,259
Additional operating expenditures.....	\$25,000

*Provided*, That expenditures may be made from the additional operating expenditures account only upon approval by the state finance council

acting after receiving certification from the adjutant general that moneys have been received from the federal government to match such expenditures and acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session.

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

2002 ice storm disaster relief	
For the fiscal year ending June 30, 2002.....	\$450,000
For the fiscal year ending June 30, 2003.....	\$5,488,000
For the fiscal year ending June 30, 2004.....	\$1,172,000

(c) During the fiscal years ending June 30, 2003, and June 30, 2004, all expenditures from the 2002 ice storm disaster relief account of the state general fund 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.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Conversion of materials and equipment fund—military division.....	No limit
Training and support of title III—federal fund.....	No limit
Emergency management—federal fund matching—equipment fund.....	No limit
Emergency management—federal fund matching—administration fund.....	No limit
Emergency management—RADEF instrument—maintenance—federal fund.....	No limit
State disaster coordination—federal fund.....	No limit
Emergency management—nuclear civil protection—federal fund.....	No limit
Payment of death, disability, and medical benefit claims fund.....	No limit
Expenses under national guard mutual assistance compact fund.....	No limit
Nuclear safety emergency management fee fund.....	No limit
Military fees fund.....	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 and credited to the military fees fund.

State emergency fund allocation—flood relief.....	No limit
Emergency management—fee fund.....	No limit
Armories and units general fees fund.....	No limit
Emergency management—disaster fund—federal fund.....	No limit
Civil air patrol—grants and contributions—federal fund.....	No limit
Emergency management performance grant (EMPG)—federal fund.....	No limit
EMPG terrorism consequence management preparedness grant (TCMPA)—federal fund.....	No limit
NG—federal forfeiture fund.....	No limit

(e) (1) On July 1, 2002, the emergency management—RADEF instrument—maintenance fund of the adjutant general is hereby redesignated as the emergency management—RADEF instrument—maintenance—federal fund of the adjutant general.

(2) On July 1, 2002, the nuclear safety emergency preparedness fee fund of the adjutant general is hereby redesignated as the nuclear safety emergency management fee fund of the adjutant general.

(3) On July 1, 2002, the civil air patrol—grants and contributions fund of the adjutant general is hereby redesignated as the civil air patrol—grants and contributions—federal fund of the adjutant general.

(4) On July 1, 2002, the emergency management performance grant (EMPG) fund of the adjutant general is hereby redesignated as the emergency management performance grant (EMPG)—federal fund of the adjutant general.

(continued)

(5) On July 1, 2002, the EMPC terrorism consequence management preparedness grant (TCMPA) fund of the adjutant general is hereby redesignated as the EMPC terrorism consequence management preparedness grant (TCMPA)—federal fund of the adjutant general.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2003, the following:

Educational assistance..... \$243,342  
Sec. 116.

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, 2003, 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 ..... \$2,860,355

Provided, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$500.

Other federal grants fund..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2003 other than moneys appropriated by this or other appropriation act of the 2002 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..... \$416,782

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 2003 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: *Provided, however,* That expenditures from the hazardous materials emergency fund during fiscal year 2003 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session.

(b) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$224,663 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, 2003, the director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2003, and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2003 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2003 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 2003 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(d) On July 1, 2002, and January 1, 2003, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$850,000 from the fire marshal fee fund of the state fire marshal to the state general fund: *Provided,* That the amount transferred from the fire marshal fee fund of the state fire marshal to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 117.

KANSAS PAROLE BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Parole from adult correctional institutions..... \$531,640

Provided, That any unencumbered balance in the parole from adult correctional institutions account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Sec. 118.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$26,027,733

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however,* That expenditures from such reappropriated balance shall not exceed \$426 except upon approval of the state finance council: *Provided further,* That expenditures may be made from this account 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: *And provided further,* That expenditures may be made from this account for state aircraft insurance: *And provided further,* That expenditures from this account for official hospitality shall not exceed \$2,000: *And provided further,* That expenditures shall be made from this account for operating expenditures of the Kansas highway patrol to provide leadership, coordination and technical assistance to other state public safety agencies in implementing the conversion to 800 megahertz radio systems for those agencies.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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: *Provided further,* That the Kansas highway patrol shall deposit the proceeds from the sale of personal sidearms to retiring troopers and other retiring sworn officers of the Kansas highway patrol, which sales upon retirement are hereby authorized, in the state treasury to the credit of this fund: *Provided, however,* That each such sale of a retiring sworn officer's personal sidearm upon retirement shall be for an amount of not less than the replacement cost of the sidearm: *And provided further,* That the Kansas highway patrol is hereby authorized to sell and a trooper or other sworn officer of the Kansas highway patrol who resigns from the Kansas highway patrol to accept employment with a local, state or federal law enforcement agency is hereby authorized to purchase such trooper or other sworn officer's personal sidearm with a trigger lock upon resignation in the same manner as prescribed in this subsection for retiring troopers and sworn officers of the Kansas highway patrol for the amount equal to the total of the cost of the sidearm plus the cost of the trigger lock: *And provided further,* That no sale of a personal sidearm shall be made to any trooper or sworn officer of the Kansas highway patrol upon resignation unless the superintendent of the Kansas highway patrol determines that the employment record and performance evaluations of each such trooper or sworn officer of the Kansas highway patrol is satisfactory: *And provided further,* That the Kansas highway patrol shall deposit the proceeds from the sale of personal sidearms and trigger locks to such resigning troopers and other sworn officers in the state treasury to the credit of this fund.

For patrol of Kansas turnpike fund .....	No limit
Highway patrol motor vehicle fund .....	No limit
Highway patrol—federal fund .....	No limit
Kansas highway patrol state forfeiture fund .....	No limit
Gifts and donations fund .....	No limit
Federal forfeiture fund .....	No limit
Motor carrier safety assistance program fund.....	No limit
Highway patrol training center clearing fund.....	No limit

*Provided*, That expenditures may be made from the highway patrol training center clearing fund for use of the highway patrol training center by other state or local government agencies: *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 or local government agencies: *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 or local government agencies shall be deposited in the state treasury and credited to this fund.

Highway safety fund .....	No limit
Capitol area security fund.....	No limit

*Provided*, That the Kansas highway patrol and any state agency which is responsible for the operation of buildings in the capitol area are hereby authorized to negotiate contracts for building security services: *Provided further*, That any such contract shall provide for reimbursement of the Kansas highway patrol for services rendered pursuant to such contract and such reimbursement shall be credited to the capitol area security fund.

Vehicle identification number fee fund.....	No limit
Interagency motor vehicle fuel sales fund .....	No limit

*Provided*, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to other state agencies: *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 other state agencies: *And provided further*, That all fees received for such sales of motor vehicle fuel shall be credited to this fund.

Motor carrier inspection fund .....	\$10,555,455
Highway patrol training center fund.....	\$776,092
Executive aircraft fund .....	No limit

*Provided*, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further*, That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to this fund.

1122 program clearing fund .....	No limit
Special services fund.....	\$260,000

(c) On or before the 10th of each month during the fiscal year ending June 30, 2003, 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, 2002, the director of accounts and reports shall transfer \$291,042 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program fund of the Kansas highway patrol.

(e) On January 1, 2003, the director of accounts and reports shall transfer \$291,042 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program fund of the Kansas highway patrol.

(f) On July 1, 2002, October 1, 2002, January 1, 2003, and April 1, 2003, the director of accounts and reports shall transfer \$2,618,946 from the state highway fund of the department of transportation to the motor carrier inspection fund of the Kansas highway patrol for the purpose of

financing the motor carrier inspection program of the Kansas highway patrol.

(g) On July 1, 2002, the director of accounts and reports shall transfer \$150,000 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.

(h) On July 1, 2002, the director of accounts and reports shall transfer \$223,949 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.

(i) On July 1, 2002, the director of accounts and reports shall transfer all moneys in the central aircraft fund of the department of administration to the executive aircraft fund of the Kansas highway patrol. On July 1, 2002, all liabilities of the central aircraft fund of the department of administration, including any outstanding encumbrances, are hereby transferred to and imposed on the executive aircraft fund of the Kansas highway patrol and the central aircraft fund of the department of administration is hereby abolished.

(j) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$260,000 from the state highway fund of the department of transportation to the special services fund of the Kansas highway patrol.

(k) On July 1, 2002, and January 1, 2003, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$504,000 from the motor vehicle fund of the Kansas highway patrol to the state general fund: *Provided*, That the amount transferred from the motor vehicle fund of the Kansas highway patrol to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 119.

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, 2003, the following:

Operating expenditures .....	\$12,347,923
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$56,214 except upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$750.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state forfeiture fund.....	No limit
Kansas bureau of investigation federal forfeiture fund .....	No limit
Kansas bureau of investigation federal grants fund .....	No limit

*Provided*, That the above agency is authorized to make expenditures from the Kansas bureau of investigation federal grants fund of any moneys credited to this fund from any individual federal grant if the grant is less than or equal to \$500,000 in the aggregate and the grant does not require the matching expenditure of any moneys in the state treasury during the current or any ensuing fiscal year, other than moneys appropriated by this or other appropriation act of the 2002 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year not appropriated by this or other appropriation act of the 2002 regular session of the legislature.

High intensity drug trafficking area—federal fund.....	No limit
Private detective fee fund.....	\$55,856
Forensic laboratory and materials fee fund.....	No limit

*Provided*, That expenditures may be made from the forensic laboratory

(continued)

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 and credited to this fund.

KBI general fees fund..... No limit  
*Provided,* That expenditures may be made from the KBI general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials: *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 and credited to this 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 and credited to this 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 to the credit of this fund: *And provided further,* That expenditures from any moneys received from the division of alcoholic beverage control and credited to the KBI general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

Record check fee fund..... No limit  
*Provided,* That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however,* That all moneys received for such fees shall be deposited in the state treasury and credited to the record check fee fund: *Provided further,* That expenditures from the record check fee fund may be made only for the expenses of conducting criminal history record checks.

(c) On July 1, 2002, the director of accounts and reports shall transfer all moneys in the federal grants fund—HIDTA account of the Kansas bureau of investigation federal grants fund to the high intensity drug trafficking area—federal fund. On July 1, 2002, all liabilities of the federal grants fund—HIDTA account of the Kansas bureau of investigation federal grants fund are hereby transferred to and imposed upon the high intensity drug trafficking area—federal fund and the federal grants

fund—HIDTA account of the Kansas bureau of investigation federal grants fund is hereby abolished.

Sec. 120.

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, 2003, 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:

EMS—federal fund .....	No limit
Rural health options grant fund .....	No limit
Emergency medical services operating fund .....	\$858,974

*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 and credited to the emergency medical services operating fund: *And provided further,* That expenditures from the emergency medical services operating fund for the operating costs of the emergency medical services board shall not exceed \$781,474: *And provided further,* That expenditures from the emergency medical services operating fund shall not exceed \$77,500 to provide additional funding to the regional councils: *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.

~~(e) In addition to the other purposes for which expenditures may be made by the emergency medical services board from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures are hereby authorized and shall be made by the emergency medical services board from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2003 to use an 800 megahertz radio system tower or towers in Meade county to facilitate placement of an early warning system: *Provided,* That any early warning system placed on such tower or towers shall be 800 MHz compliant as certified by the secretary of transportation.~~

Sec. 121.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures .....	\$460,520
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*Provided,* That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
Juvenile justice—federal fund .....	No limit
Statistical analysis—federal fund .....	No limit
Drug abuse fund—federal .....	No limit
Sentencing commission forfeiture fund.....	No limit

Sec. 122.

OMBUDSMAN OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Adult corrections oversight .....	\$175,786
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*Provided,* That any unencumbered balance in the adult corrections oversight account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however,* That expenditures from

such reappropriated balance shall be made only upon approval of the state finance council.

Sec. 123.

**KANSAS DEPARTMENT OF AGRICULTURE**

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$10,029,542

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *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 \$2,000: *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, 2003, 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 ..... \$332,370  
 Meat and poultry inspection fee fund ..... \$68,630  
 Wheat quality survey fund ..... \$29,341  
 Entomology fee fund ..... \$122,017  
 Laboratory equipment fund ..... No limit  
 Water structures—state highway fund ..... \$89,832  
 Soil amendment fee fund ..... \$1,075  
 Agricultural liming materials fee fund ..... \$48,792  
 Weights and measures fee fund ..... \$162,163  
 Water appropriation certification fund ..... \$297,449  
 Water rights information system fees fund ..... No limit

*Provided*, That the secretary of agriculture is hereby authorized to fix, charge and collect fees for water data provided at the request of non-state government agencies and the general public: *Provided further*, That such fees shall be fixed in order to recover all of the direct data processing expenses incurred in preparation of requested water data: *And provided further*, That such fees shall be deposited in the state treasury and credited to the water rights information system fees fund: *And provided further*, That expenditures may be made from this fund to pay the costs incurred by the division of water resources for data processing services to prepare requested water data.

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 2001 Senate Bill No. 237, which are hereby authorized to be applied for and received, shall be deposited in the state treasury to the credit of the water resources cost fund.

Agriculture seed fee fund ..... \$60,219  
 Chemigation fee fund ..... \$107,255  
 Agriculture statistics fund ..... No limit  
 Petroleum inspection fee fund ..... \$623,605  
 Water transfer hearing fund ..... No limit  
 Grain commodity commission services fund ..... No limit  
 Kansas agricultural remediation board fund ..... \$150,000  
 Kansas agricultural remediation fund ..... No limit  
 Warehouse fee fund ..... \$588,058  
 Grain inspection fee fund ..... \$0  
 U.S. geological survey cooperative gage agreement fund ..... No limit

*Provided*, That the secretary of agriculture is hereby authorized to enter into a cooperative gage agreement with the United States geological survey: *Provided further*, That all moneys collected for the construction or operation of river water intake gages shall be deposited in the state treasury and credited to the U.S. geological survey cooperative gage agreement 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 ..... \$284,864  
 Feeding stuffs fee fund ..... \$479,178  
 Fertilizer fee fund ..... \$507,571  
 Livestock remedies fee fund ..... \$21,975  
 Plant pest emergency responses fund ..... No limit  
 Pesticide use fee fund ..... \$433,922  
 Geographic information system fee fund ..... No limit  
 Egg fee fund ..... \$112,643  
 Meat and poultry inspection fund—federal ..... No limit  
 EPA pesticide performance partnership grant fund ..... No limit  
 FEMA dam safety ..... No limit  
 FEMA stream mapping fund ..... No limit  
 Pest detection and survey—federal fund ..... No limit  
 USDA NASS postage fund ..... No limit  
 FDA tissue residue fund—federal ..... No limit  
 Conversion of materials and equipment fund ..... No limit  
 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 "Insects in Kansas": *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 the publication "Insects in Kansas": *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 the publication: *And provided further*, That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds of any kind from the federal government or any of its agencies or from any other source whatsoever for the printing, publication and distribution of "Insects in Kansas": *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 and credited to this fund.

Other federal grants fund ..... No limit

*Provided*, That, the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any moneys in the state treasury during fiscal year 2003 other than moneys appropriated by this or other appropriation act of the 2002 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 2003, other than moneys appropriated by this or other appropriation act of the 2002 regular session of the legislature: *Provided further*, That no grant for the farmers' assistance, counseling and training program shall be deposited to the credit of this fund.

Civil litigation fee fund ..... No limit

*Provided*, That the above agency is authorized to make expenditures from the civil litigation fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: *Provided further*, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales cases, as determined by the secretary of agriculture and the attorney general, shall be deposited in the state treasury to the credit of this fund by the attorney general.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, for the water plan project or projects specified, the following:

Floodplain management ..... \$128,738  
 Interstate water issues ..... \$218,297  
 Subbasin water resources management ..... \$493,508  
 Water appropriation subprogram ..... \$93,393

*Provided*, That, notwithstanding the provisions of K.S.A. 82a-951, and amendments thereto, all moneys in the water appropriation subprogram account of the state water plan fund shall be expended for salaries and wages, including associated employer contributions.

(continued)

(d) During the fiscal year ending June 30, 2003, 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 2003 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2003 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 the director of the legislative research department.

(e) On July 1, 2002, the director of accounts and reports shall transfer \$77,103 from the state highway fund of the department of transportation to the water structures—state highway fund of the Kansas department of agriculture.

(f) On July 1, 2002, the other grants fund of the Kansas department of agriculture is hereby redesignated as the other federal grants fund of the Kansas department of agriculture.

(g) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the petroleum inspection fee fund of the Kansas department of agriculture to the state general fund: *Provided*, That the amount transferred from the petroleum inspection fee fund of the Kansas department of agriculture to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(h) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the feeding stuffs fee fund of the Kansas department of agriculture to the state general fund: *Provided*, That the amount transferred from the feeding stuffs fee fund of the Kansas department of agriculture to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 124. (a) In addition to the other purposes for which expenditures may be made by the Kansas department of agriculture from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2003 for the Kansas department of agriculture as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the Kansas department of agriculture from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2003, in addition to other statutory implementation requirements of the meat and poultry inspection subprogram of the Kansas department of agriculture, to: (1) Continue procedures to provide for annual or updated training for authorized representatives and inspectors of the meat and poultry inspection subprogram and to allow the owners of facilities regulated under the meat and poultry inspection subprogram to attend and participate at the annual training workshop for the meat and poultry inspection subprogram; and (2) make available to such owners and other interested persons an inspection handbook describing the duties and responsibilities of such authorized representatives and inspectors of the meat and poultry inspection subprogram.

(b) In addition to the other purposes for which expenditures may be made by the Kansas department of agriculture and Kansas state university from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2003 for the Kansas department of agriculture and Kansas state university as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the Kansas department of agriculture and Kansas state university from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2003 to provide technical assistance to the department of commerce and housing for the development of a marketing handbook that shall include, in addition to other information and strategies, (1) methods to facilitate the development and marketing of Kansas-grown meat products with meat products producers and with owners of facilities selling or providing value-added services to meat products, (2) methods to promote sales of Kansas meat products, and (3) a listing of resource contact information.

(c) In addition to the other purposes for which expenditures may be made by the department of commerce and housing from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2003 for the department of commerce and housing as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the department of commerce and housing from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2003 to conduct a survey of other state or regional programs that offer marketing ideas and strategies to assist small meat locker owners in Kansas and shall make the information derived from the survey available to such meat locker owners.

Sec. 125.

KANSAS ANIMAL HEALTH DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$616,995  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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.  
Veterinary inspection fee fund ..... No limit  
Livestock market brand inspection fee fund ..... No limit  
Livestock brand fee fund ..... No limit  
*Provided*, That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.  
Livestock brand emergency revolving fund ..... No limit  
County option brand fee fund ..... No limit  
Livestock and pseudorabies indemnity fund ..... No limit  
Legal services fund ..... No limit

*Provided*, That all moneys received by the animal health department from other state agencies pursuant to one or more interagency agreements for the provision of legal services, which agreements are hereby authorized and directed to be entered into, shall be credited to the legal services fund: *Provided further*, That all expenditures from the legal services fund shall be for contractual legal services to be provided to the animal health department and such other state agencies pursuant to such interagency agreements.

Sec. 126.

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, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund ..... No limit  
*Provided*, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.  
State fair special cash fund ..... No limit

Sec. 127.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$600,594  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such

reappropriated balance shall be made only upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

Land reclamation fee fund.....	No limit
Riparian & wetland areas project—federal fund.....	No limit
Watershed protect approach/WTR RSRCE MGT fund .....	No limit
Conversion of materials and equipment fund .....	No limit
Buffer participation incentive fund.....	No limit
Riparian participation incentive fund.....	No limit
Environmental improvement incentives fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, for the following water plan project or projects specified, the following:

Land treatment cost share .....	\$3,896,770
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*Provided*, That any unencumbered balance in the land treatment cost share account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures from the land treatment cost share account shall be for cost-sharing grants for construction of enduring water conservation structures on privately and publicly owned land in conservation districts which are needed for development and improvement of the quality and quantity of Kansas water resources: *And provided further*, That an amount of not to exceed \$2,720,000 of the initial allocation among conservation districts for such grants for fiscal year 2003 shall be on the basis of allocating 60% of the amount equally among all conservation districts and allocating 40% of the amount to be initially allocated proportionally among all conservation districts on the basis of an index composed of the measurement of nonfederal rural acreage, erosion potential and rainfall in all conservation districts, as determined by the state conservation commission: *And provided further*, That the balance of the initial allocation for such grants for fiscal year 2003 shall be allocated to conservation districts on a priority basis, as determined by the state conservation commission and the provisions of the state water plan: *And provided further*, That expenditures from this account for contractual technical expertise shall not exceed the amount equal to 3% of the approved budget amount for fiscal year 2003 for the land treatment cost-share programs account.

Nonpoint source pollution assistance.....	\$2,835,000
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*Provided*, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Conservation district aid.....	\$938,250
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*Provided*, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Watershed dam construction.....	\$634,500
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*Provided*, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided further*, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the state conservation commission: *Provided, however*, That expenditures from this account for such engineering contracts for watershed planning shall not exceed \$50,000.

Kansas water quality buffer initiatives.....	\$347,971
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*Provided*, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *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 2003 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: *And provided further*, That such contracts may provide for such expenditures from the approved budget amount for fiscal year 2003 to be made pursuant to encumbrances for expenditures after

June 30, 2003: *Provided, however*, That expenditures from this account for contractual educational and technical assistance for fiscal year 2003 shall not exceed \$40,000.

Riparian and wetland program .....	\$225,000
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*Provided*, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Water rights purchase .....	\$62,490
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*Provided*, That any unencumbered balance in the water rights purchase account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(d) During the fiscal year ending June 30, 2003, 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 2003 from the state water plan fund for the state conservation commission to another item of appropriation for fiscal year 2003 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 the director of the legislative research department.

(e) On July 1, 2002, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$150,000 from the wildlife fee fund of the department of wildlife and parks to the buffer participation incentive fund of the state conservation commission.

Sec. 128.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Water resources operating expenditures .....	\$1,390,084
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*Provided*, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, 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, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Conversion of materials and equipment fund .....	No limit
Local water project match fund.....	No limit

*Provided*, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury to the credit of the local water project match fund: *Provided further*, That all moneys credited to this fund shall be used to match state funds for water projects using federal cost-share funds.

Water supply storage assurance fund.....	No limit
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*Provided*, That any moneys deposited to the credit of the water supply storage assurance fund which are received from a water assurance district shall be credited to a separate subaccount: *Provided further*, That moneys in such subaccounts may be transferred to the water marketing fund for (1) payment to the federal government of annual capital costs of water supply storage in federal reservoirs under the water assurance program act, (2) payment and reimbursement to the water marketing fund for water supply storage space previously paid for with revenue from the water marketing fund, if such storage space has been transferred to the water assurance program, (3) payment to the federal government of annual operation, maintenance and repair costs associated with the water supply storage space dedicated for the use of water assurance districts, and (4) payment and reimbursement to the water marketing fund and the state general fund for costs incurred by the state for the administration and enforcement of applicable state laws governing the operations and management of the water assurance program as provided in contracts with water assurance districts: *And provided further*, That no additional water supply storage space shall be purchased in Milford, Perry or Tuttle Creek reservoirs during fiscal year 2003.

State conservation storage water supply fund.....	\$0
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Water marketing fund.....	No limit
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(continued)

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 and credited to this fund.

Water conservation projects fund.....	\$0
Water plan projects fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, for the state water plan project or projects specified, the following:

Assessment and evaluation.....	\$207,000
Federal cost-share programs.....	\$144,257

*Provided*, That any unencumbered balance in the grant to the federal cost-share programs account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

GIS data access and support center.....	\$69,142
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*Provided*, That any unencumbered balance in the GIS data access and support center account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

GIS data base development.....	\$202,500
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*Provided*, That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

MOU—storage operations and maintenance .....	\$351,644
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*Provided*, That any unencumbered balance in the MOU—storage operations and maintenance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Ogallala aquifer institute.....	\$36,000
PMIB loan payment for storage.....	\$235,629
Public information.....	\$31,500
Stream gauging program .....	\$353,203
Technical assistance to water users .....	\$392,668
Water planning process.....	\$138,669
Water resource education .....	\$49,500
Weather modification program.....	\$155,700

*Provided*, That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Kansas water authority.....	\$19,891
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(d) During the fiscal year ending June 30, 2003, the director of the Kansas water office, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2003 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2003 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 the director of the legislative research department.

(e) During the fiscal year ending June 30, 2003, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office from the state water plan fund to the water plan projects fund of the Kansas water office, except that such transfers shall only be made upon the approval of the director of the budget. 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 the legislative research department.

(f) During the fiscal year ending June 30, 2003, 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 sufficient funds to maintain the cash flow of the water marketing fund upon approval of 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 loan shall be made unless the terms thereof have been approved by the director of the budget. A copy of the terms of the loan shall be submitted to the director of the legislative research department. 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. Each such loan shall be repaid without interest within one year from the date of the loan.

(g) During the fiscal year ending June 30, 2003, 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 sufficient funds to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for 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 by 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.

(h) During the fiscal year ending June 30, 2003, 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, 2003, 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 and for administration and enforcement costs of the state associated with the state water plan storage act, and amendments thereto.

Sec. 129.

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, 2003, the following:

Operating expenditures .....	\$3,408,099
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,187 except upon approval of the state finance council: *Provided further*, That no expenditures shall be made from the operating expenditures account for the purchase of state aircraft insurance: *And 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, 2003, 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.....	\$23,945,007
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*Provided*, That additional expenditures may be made from the wildlife fee fund for fiscal year 2003 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 2003: *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 ..... \$5,585,301

*Provided*, That additional expenditures may be made from the parks fee fund for fiscal year 2003 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 2003: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund ..... \$1,125,045

*Provided*, That additional expenditures may be made from the boating fee fund for fiscal year 2003 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 2003: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Central aircraft fund ..... No limit

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

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

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

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

Nongame wildlife improvement fund ..... No limit

Wildlife conservation fund ..... No limit

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

State agricultural production fund ..... No limit

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

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

Development and promotions fund ..... No limit

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

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

Parks restitution fund ..... No limit

Nonfederal grants fund ..... No limit

Other federal grants fund ..... No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2003 other than moneys appropriated by this or other appropriation act of the 2002 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current

or any ensuing fiscal year: *Provided further*, That, subject to the provisions of the other provisos prescribing guidelines for authority to make expenditures from the other federal grants fund, expenditures may be made from the other federal grants fund for capital improvements.

Suspense fund ..... No limit

Employee maintenance deduction clearing fund ..... No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, for the water plan project or projects specified, the following:

Stream monitoring ..... \$50,000

*Provided*, That any unencumbered balance in the stream monitoring account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(d) In addition to the other purposes for which expenditures may be made by the department of wildlife and parks from the moneys appropriated in the parks fee fund for fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made from the parks fee fund for fiscal year 2003 for operating expenditures and capital improvement projects for the purposes of maintaining and repairing the Prairie Spirit rail trail in Allen, Anderson and Franklin counties, including, but not limited to, the expenses of operating of park equipment by employees of the department of wildlife and parks that are assigned to the state park system.

(e) On July 1, 2002, the federal grants fund of the department of wildlife and parks is hereby redesignated as the other federal grants fund of the department of wildlife and parks.

(f) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$200,000 from the state agricultural production fund of the department of wildlife and parks to the state general fund: *Provided*, That the amount transferred from the state agricultural production fund of the department of wildlife and parks to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 130.

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, 2003, 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

*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

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, 2003, in satisfaction of liabilities arising from the unconditional guarantee of payment which was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420 and amendments thereto and guaranteed pursuant to K.S.A. 75-5031 and amendments thereto.

Interagency motor vehicle fuel sales fund ..... No limit

*Provided*, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: *Provided further*, That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in

(continued)

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 this fund.

Coordinated public transportation assistance fund.....	No limit
Public use general aviation airport development fund..	No limit
Highway bond proceeds fund.....	No limit

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2003, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2003 other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Agency operations .....	\$227,072,321
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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 \$1,000: *Provided, however*, That expenditures may be made from this account for state aircraft insurance: *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
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Claims .....	No limit
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Payments for city connecting links .....	\$3,360,000
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Federal local aid programs.....	No limit
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Pre-1992 bond services fees.....	No limit
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Construction, remodeling and special maintenance projects for buildings.....	\$6,356,185
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*Provided*, That expenditures may be made from the construction, remodeling and special maintenance projects for buildings account of the state highway fund of amounts in unexpended balances as of June 30, 2002, 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 2003.

Other capital improvements.....	No limit
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*Provided*, That the secretary of transportation is authorized to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) On April 1, 2003, 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.

(d) During the fiscal year ending June 30, 2003, 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.

(e) Any transfer of money or payment for services during the fiscal year ending June 30, 2003, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for the fiscal year ending June 30, 2003.

(f) Any transfer of money during the fiscal year ending June 30, 2003, from the state highway fund to the highway bonds debt service fund shall be in addition to any expenditure limitation imposed on the state highway fund for the fiscal year ending June 30, 2003.

(g) For the fiscal year ending June 30, 2003, 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. 2001 Supp. 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.

(h) *Kansas savings incentive program*. (1) In addition to other expenditures authorized by law, expenditures may be made from the agency operations account of the state highway fund appropriated by this act for the fiscal year ending June 30, 2003, by the department of transportation for the following purposes: (A) Salary bonus payments at the discretion of the agency head to full-time or regular part-time employees of the state agency who are not in temporary positions, (B) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2003 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (C) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for the fiscal year 2003 shall be in addition to any expenditure limitation imposed on the agency operations account of the state highway fund for fiscal year 2003: *Provided, however*, That the total amount of such expenditures from the agency operations account of the state highway fund for fiscal year 2003 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from the agency operations account of the state highway fund for fiscal year 2002 for agency operations, as determined by the director of accounts and reports: *Provided further*, That the total net amount of any such salary bonus payments to any individual employee during fiscal year 2003 shall not exceed \$1,000: *And provided further*, That the provisions of this subsection (h)(1) shall apply only to: (A) That portion of the moneys in the agency operations account of the state highway fund from which expenditures may be made for agency operations, and (B) shall not include that portion of moneys which may be expended for other operating expenses in the regular maintenance subprogram.

(2) Any unencumbered balance in excess of \$100 as of June 30, 2002, in any account of any special revenue fund of the department of transportation, which was appropriated by subsection (h)(2) of section 164 of chapter 144 of the 2001 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2003, for the purposes authorized in subsection (h)(1) of this section. All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for the fiscal year ending June 30, 2003.

(3) No salary bonus payment paid pursuant to this section during fiscal year 2003 shall be compensation, within the meaning of K.S.A. 74-4901 *et seq.*, and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

(i) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the coordinated public transportation assistance fund of the department of transportation to the state general fund: *Provided*, That the amount transferred from the coordinated public transportation assistance fund of the department of transportation to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(j) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$260,896 from the Kansas department of transportation Kansas savings incentive program account of the department of transportation to the state general fund: *Provided*, That the amount transferred from the Kansas department of transportation Kansas savings incentive program account of the department of transportation to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 131. *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, 2003, made in this or other appropriation act of the 2002 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.....	95.0
Secretary of State.....	56.0
State Treasurer.....	55.5
Insurance Department.....	157.0
<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 2003 for the department of insurance.	
Health Care Stabilization Fund Board of Governors....	16.0
Judicial Council.....	4.0
Kansas Human Rights Commission.....	37.0
State Corporation Commission.....	210.0
Citizens' Utility Ratepayer Board.....	5.0
Department of Administration.....	881.2
State Board of Tax Appeals.....	28.0
Department of Revenue.....	1,196.0
Kansas Lottery.....	87.8
Kansas Racing and Gaming Commission—state racing operations.....	43.0
Kansas Racing and Gaming Commission—state gaming agency.....	21.0
Department of Commerce and Housing.....	148.0
Kansas, Inc.....	4.0
Department of Human Resources.....	941.4
Kansas Commission on Veterans Affairs.....	555.3
Department of Health and Environment.....	1,001.0
Department on Aging.....	157.1
Department of Social and Rehabilitation Services.....	4,048.5
Kansas Neurological Institute.....	655.5
Larned State Hospital.....	725.8
Osawatomie State Hospital.....	477.4
Parsons State Hospital and Training Center.....	513.5
Rainbow Mental Health Facility.....	126.8
State Library.....	27.0
Kansas Arts Commission.....	8.0
Kansas State School for the Blind.....	93.5
Kansas State School for the Deaf.....	173.5
State Historical Society.....	136.5
State Board of Regents.....	45.0
Department of Corrections.....	3,132.5
Juvenile Justice Authority.....	635.0
Adjutant General.....	215.0
State Fire Marshal.....	46.0
Kansas Parole Board.....	4.0
Kansas Highway Patrol.....	823.8
Attorney General—Kansas Bureau of Investigation.....	200.0
Emergency Medical Services Board.....	13.0
Kansas Sentencing Commission.....	10.0
Ombudsman of Corrections.....	3.5
Kansas Department of Agriculture.....	300.5
Kansas Animal Health Department.....	31.0
State Fair Board.....	22.0
State Conservation Commission.....	15.5
Kansas Water Office.....	22.5
Department of Wildlife and Parks.....	406.5
Department of Transportation.....	3,247.5

(b) During the fiscal year ending June 30, 2003, the secretary of social and rehabilitation services may increase the position limitation for the department of social and rehabilitation services or for any institution or facility under the general supervision and management of the secretary of social and rehabilitation services by making a corresponding decrease in the position limitation for either the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services.

The secretary of social and rehabilitation services shall certify each such increase and corresponding decrease to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

(c) During the fiscal year ending June 30, 2003, any full-time and regular part-time positions of the Kansas highway patrol that are for capitol area police officers and capitol area security guards, that are assigned to security for state-owned and controlled properties located in Shawnee county under contracts with other state agencies shall be in addition to any limitation on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the Kansas highway patrol for fiscal year 2003, made in this or other appropriation act of the 2002 regular session of the legislature: *Provided*, That the Kansas highway patrol shall prepare and submit a report on all such positions assigned to provide security under such contracts to the legislative budget committee prior to the 2003 regular session of the legislature.

(d) During the fiscal year ending June 30, 2003, the secretary of social and rehabilitation services may authorize the total number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, for the department of social and rehabilitation services that are paid from appropriations for department of social and rehabilitation services for fiscal year 2003 made in this or other appropriation act of the 2002 regular session of the legislature, to temporarily exceed the limitation on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, established for fiscal year 2003 for the department of social and rehabilitation services so long as the total number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, for the department of social and rehabilitation services does not exceed such limitation as of June 30, 2003. The secretary of social and rehabilitation services shall certify each such authorization to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

(e) During the fiscal year ending June 30, 2003, 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 2003 made in this or other appropriation act of the 2002 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 2003 for the attorney general—Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

(f) During the fiscal year ending June 30, 2003, to provide for the closure of the Osawatomie, Toronto and Stockton minimum security units, the secretary of corrections may authorize the total number of full-time and regular part-time positions equated to full-time for the department of corrections that are paid from appropriations for the department of corrections for fiscal year 2003 made in this or other appropriation act of the 2002 regular session of the legislature, to temporarily exceed the limitation on the number of full-time and regular part-time positions equated to full-time established for fiscal year 2003 for the department of corrections: *Provided*, That the number of full-time and regular part-time positions equated to full-time, by which such limitation on positions for the department of corrections may be temporarily exceeded, shall not exceed 74.0. The secretary of corrections shall certify each such authorization to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

Sec. 132. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made from any account of the state general fund reappropriated by this act for the fiscal year ending June 30, 2003, for any state agency named in this act for the following purposes: (1) Salary bonus payments at the discretion

(continued)

of the agency head to full-time or regular part-time employees of the state agency who are not in temporary positions, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2003 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided, however*, That the total of all such expenditures from such account of the state general fund for the fiscal year 2003 shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of June 30, 2002, in such account of the state general fund that is reappropriated for fiscal year 2003 and that is in excess of the amount authorized to be expended for fiscal year 2003 from such reappropriated balance, as determined by the director of accounts and reports: *Provided further*, That the total net amount of any such salary bonus payments to any individual employee during fiscal year 2003 that are paid under subsection (b) or this subsection shall not exceed \$1,000: *And provided further*, That the provisions of this subsection shall apply only to that portion of any such account from which expenditures may be made for state operations: *And provided further*, That all such expenditures from the reappropriated balance in any such account for the fiscal year 2003 shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for fiscal year 2003.

(b) In addition to other expenditures authorized by law, expenditures may be made from any special revenue fund appropriated by this act for the fiscal year ending June 30, 2003, for a state agency named in this act for the following purposes: (1) Salary bonus payments at the discretion of the agency head to full-time or regular part-time employees of the state agency who are not in temporary positions, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2003 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for the fiscal year 2003 shall be in addition to any expenditure limitation imposed on such fund or any account thereof for fiscal year 2003: *Provided, however*, That the total amount of such expenditures from such fund for fiscal year 2003 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for fiscal year 2002 for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further*, That the total net amount of any such salary bonus payments to any individual employee during fiscal year 2003 that are paid under subsection (a) or this subsection shall not exceed \$1,000: *And provided further*, That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) (1) Any unencumbered balance in excess of \$100 as of June 30, 2002, in any account of the state general fund of any state agency named in this act, which was reappropriated by subsection (c)(1) of section 166 of chapter 144 of the 2001 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2002 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2003, and may be expended for the purposes authorized in subsections (a) and (b).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2002, in any account of any special revenue fund of any state agency named in this act, which was appropriated by subsection (c)(2) of section 166 of chapter 144 of the 2001 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2003, and may be expended for the purposes authorized in subsections (a) and (b). All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for fiscal year 2003.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2003 shall be compensation, within the meaning of K.S.A. 74-4901 *et seq.*, and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment

paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled to for which the employee may become eligible.

(e) The provisions of this section shall not apply to any state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas or to the department of transportation.

Sec. 133. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made for fiscal year 2003 from any account of the state general fund reappropriated by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for the fiscal year ending June 30, 2003, for any state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas for the following purposes: (1) Salary bonus payments at the discretion of the agency head to full-time or regular part-time employees of the state agency who are not in temporary positions, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2003 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided, however*, That the total of all such expenditures from such account of the state general fund for such fiscal year shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of June 30, 2002, in such account of the state general fund that is reappropriated for fiscal year 2003 and that is in excess of the amount authorized to be expended for fiscal year 2003 from such reappropriated balance, as determined by the director of accounts and reports: *Provided further*, That the total net amount of any such salary bonus payments to any individual employee during fiscal year 2003 that are paid under subsection (b) or this subsection shall not exceed \$1,000: *And provided further*, That the provisions of this subsection shall apply only to that portion of any such account from which expenditures may be made for state operations: *And provided further*, That all such expenditures from the reappropriated balance in any such account for fiscal year 2003 shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for fiscal year 2003.

(b) In addition to other expenditures authorized by law, expenditures may be made for fiscal year 2003 from any special revenue fund appropriated by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for the fiscal year ending June 30, 2003, for a state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas for the following purposes: (1) Salary bonus payments at the discretion of the agency head to full-time or regular part-time employees of the state agency who are not in temporary positions, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2003 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for fiscal year 2003 shall be in addition to any expenditure limitation imposed on such fund or any account thereof for fiscal year 2003: *Provided, however*, That the total amount of such expenditures from such fund for fiscal year 2003 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for fiscal year 2002 for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further*, That the total net amount of any such salary bonus payments to any individual employee during fiscal year 2003 that are paid under subsection (a) or this subsection shall not exceed \$1,000: *And provided further*, That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) Any unencumbered balance in excess of \$100 as of June 30, 2002, in any such account of any such special revenue fund is hereby appropriated for the fiscal year ending June 30, 2003, and may be expended for fiscal year 2003 for the purposes authorized in subsections (a) and (b). All expenditures from any such account of any such special revenue fund

shall be in addition to any expenditure limitation imposed on such special revenue fund for fiscal year 2003.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2003 shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

Sec. 134.

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, 2003, 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, 2003, 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.

(c) During the fiscal year ending June 30, 2003, the director of accounts and reports shall not make any transfer directed to be made by subsection (c) of K.S.A. 2-223 and amendments thereto from the state general fund to the state fair capital improvements fund of the state fair board. On July 1, 2002, or as soon as moneys are available, and notwithstanding the provisions of K.S.A. 2-223 and amendments thereto, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund of the state fair board the amount equal to the difference between \$300,000 and the amount certified by the state fair board and transferred from the state fair fee fund to the state fair capital improvements fund pursuant to subsection (b) of K.S.A. 2-223 and amendments thereto.

Sec. 135.

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, 2003, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects ..... \$3,500,000

*Provided*, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 2003 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 2003 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.

Sex predator capacity expansion ..... \$356,306

(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 2003, expenditures may be made by the above agency from the other state fees fund for fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair ..... \$300,000

*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 2003.

(c) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 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 construction of a new state security hospital on the Larned state hospital grounds: *Provided*, That the capital improvement project for construction of a new state security hospital on the Larned state hospital grounds is hereby approved for the department of social and rehabilitation services 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 social and rehabilitation services 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 \$50,120,884, 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 state institutions building fund or any other appropriate special revenue fund or funds.

(d) On the effective date of this act, any unencumbered balance in each of the following accounts of the state institutions building fund is hereby lapsed: Sex predator contingency fund.

Sec. 136.

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, 2003, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects ..... \$59,435

Sec. 137.

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, 2003, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects ..... \$165,000

Dorm renovation ..... \$327,792

Parks—Bilger/Taylor gym roof ..... \$139,885

Sec. 138.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

Debt service payment for the revenue refunding bond issues ..... \$4,946,000

Debt service payment for the Wichita work release facility bond issue ..... \$169,000

Debt service payment for the Ellsworth correctional facility at Ellsworth, Kansas ..... \$1,622,000

Debt service payment for the reception and diagnostic unit relocation bond issue ..... \$1,334,000

Debt service payment for the Topeka and Lansing correctional facility bond issue ..... \$1,009,000

Debt service payment for El Dorado correctional facility site utilities replacement project ..... \$1,256,000

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

Debt service payment for the revenue refunding bond issues ..... \$1,542,472

Capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions ..... \$3,457,528

*Provided*, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2003 from the capital improvements—rehabilitation, remodeling, renovation 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  
(continued)

or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2003 by the institution or facility for capital improvement projects.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

Lease revenue bond issue—principal and interest fund—H bonds .....	No limit
Lease revenue bond issue—principal and interest fund—J bonds .....	No limit
Lease revenue bond issue—principal and interest fund—R bonds .....	No limit
Reception and diagnostic unit replacement project revenue fund.....	No limit
Refunding revenue bond issue—principal and interest fund—Q bonds .....	No limit

Sec. 139.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Rehabilitation and repair projects .....	\$50,000
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Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(b) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Historical society capital improvements fund.....	No limit
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Sec. 140.

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, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance building principal and interest payment fund .....	No limit
Insurance department rehabilitation and repair fund...	No limit

Sec. 141.

DEPARTMENT OF ADMINISTRATION

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

Judicial center rehabilitation and repair	
For the fiscal year ending June 30, 2003.....	\$75,000
Rehabilitation and repair for state facilities	
For the fiscal year ending June 30, 2002.....	\$70,404

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the rehabilitation and repair for state facilities account is hereby reappropriated for fiscal year 2003.

Judicial center improvements—debt service	
For the fiscal year ending June 30, 2003.....	\$101,889
Statehouse improvements—debt service	
For the fiscal year ending June 30, 2003.....	\$3,173,148
Energy conservation improvements—debt service	
For the fiscal year ending June 30, 2003.....	\$2,066,680

Any unencumbered balance in excess of \$100 as of June 30, 2002, in each of the following capital improvement accounts is hereby reappropriated for fiscal year 2003: Fire and safety alarms—statehouse; judicial center renovation planning; statehouse grounds and facility improvements; rehabilitation and repair for state facilities; judicial center rehabilitation and repair; judicial center improvements.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund .....	No limit
State facilities gift fund.....	No limit
Master lease program fund .....	No limit

State buildings depreciation fund.....	\$0
Executive mansion gifts fund .....	No limit
Topeka state hospital cemetery memorial gift fund.....	No limit
State capitol dome sculpture fund.....	No limit

Provided, That, notwithstanding the provisions of K.S.A. 75-2249 and amendments thereto, all expenditures from the state capitol dome sculpture fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration, or the secretary's designee: Provided further, That all moneys received by the department of administration in the form of grants, gifts, contributions or bequests made for the purpose of financing the cost of acquiring and placing atop the capitol the work of sculpture selected pursuant to statute shall be deposited in the state treasury and credited to this fund and all such grants, gifts, contributions or bequests are hereby authorized to be received by the department of administration.

(c) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 2003, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 2003 from any unencumbered balance as of June 30, 2002, in each of the following capital improvement accounts of the state budget stabilization fund: Statehouse elevators renovation; statehouse grounds & facility improvements; statehouse fire and safety alarms; judicial center improvements: Provided, That the expenditures for fiscal year 2003 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2002: Provided further, That all expenditures from the state budget stabilization fund for the fiscal year 2003 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for the fiscal year 2003.

(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 2003, 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 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Paint and grounds shop—debt service .....	No limit
Parking improvements and repair .....	\$95,000

(e) In addition to the other purposes for which expenditures may be made from the building and ground fund for fiscal year 2003, expenditures may be made by the above agency from the building and ground fund for fiscal year 2003 from any unencumbered balance as of June 30, 2002, in each of the following capital improvement accounts of the building and ground fund: Docking 9th street right-of-way; parking improvements and repair; memorial hall parking improvements: Provided, That the expenditures for fiscal year 2003 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2002: Provided further, That all expenditures from the building and ground fund for the fiscal year 2003 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 2003.

(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 2003, 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 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair .....	\$200,000
Docking building assessment study .....	\$250,000
Landon building assessment study .....	\$250,000
Docking electrical equipment condition study .....	\$40,000
Capitol complex pedestrian—utility tunnels design and construction.....	\$345,500

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 2003.

(g) (1) 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 2003, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2003 from the unen-

cumbered balance as of June 30, 2002, 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, 2002: *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 2003.

(2) On July 1, 2002, the director of accounts and reports shall transfer all moneys in the memorial & Landon steam tunnel and walkway planning and construction account of the state buildings depreciation fund and all moneys in the Landon & statehouse steam tunnel and walkway planning and construction account of the state buildings depreciation fund to the capitol complex pedestrian—utility tunnels design and construction account of the state buildings depreciation fund. On July 1, 2002, all liabilities of the memorial & Landon steam tunnel and walkway planning and construction account of the state buildings depreciation fund and all liabilities of the Landon & statehouse steam tunnel and walkway planning and construction account of the state buildings depreciation fund are hereby transferred to and imposed upon the capitol complex pedestrian—utility tunnels design and construction account of the state buildings depreciation fund. On July 1, 2002, the memorial & Landon steam tunnel and walkway planning and construction account of the state buildings depreciation fund and the Landon & statehouse steam tunnel and walkway planning and construction account of the state buildings depreciation fund are hereby abolished.

(h) 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 2003, 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 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Landon state office building—debt service.....	No limit
Memorial hall—debt service .....	No limit
State of Kansas facilities projects—debt service .....	No limit

(i) In addition to the other purposes for which expenditures may be made by the above agency from the motor pool service fund for fiscal year 2003, expenditures may be made by the above agency from the following capital improvement account or accounts of the motor pool service fund for fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Motor pool shop—debt service.....	No limit
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(j) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service fund for fiscal year 2003, 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 2003 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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(k) 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 2002 or for fiscal year 2003 as authorized by this or other appropriation act of the 2002 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 2002 or fiscal year 2003 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 and equipment acquisition for the renovation of the Security Benefit Group building: *Provided*, That such capital improvement project and equipment acquisition are 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 a capital improvement project and equipment acquisition for the renovation of the Security Benefit Group building: *Provided, however*, That expenditures from the

moneys received from the issuance of any such bonds for such capital improvement project and equipment acquisition shall not exceed \$10,850,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project and equipment acquisition during the construction of such project and acquisition 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 a capital improvement project and equipment acquisition for the renovation of the Security Benefit Group building shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

~~(l) During the fiscal year ending June 30, 2003, no moneys appropriated for the department of administration for the fiscal year ending June 30, 2003, from the state general fund or any special revenue fund by this or other appropriation act of the 2002 regular session of the legislature shall be expended by the department of administration for the purpose of reinforcing the statehouse dome for placement of the Ad Astra sculpture atop the statehouse dome: *Provided*, That the provisions of this subsection shall not apply to gifts, grants or donations received for this project.~~

Sec. 142.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

Judicial center renovation .....	\$114,400
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Sec. 143.

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, 2003, 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

(b) 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 for fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 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 finance a capital improvement project for renovation of student residential life facilities: *Provided*, That such capital improvement project is hereby approved for the Fort Hays 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 the Fort Hays 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 moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$9,045,000, 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.

Sec. 144.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

(continued)

Lease payment—Salina aeronautical center (including aeronautical laboratory center) ..... \$189,446

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Federal construction funds fund.....	No limit
Bond construction funds fund.....	No limit
Coliseum repair, equipment and improvement fund....	No limit
Housing system refunding revenue bond fund, K DFA F bonds, 1999 fund .....	No limit
Parking system refunding revenue bond fund, K DFA G bonds, 1995 .....	No limit
Housing system bond fund, K DFA H bonds, 1993.....	No limit
Farrell library renovation/expansion-gifts/donations fund .....	No limit
Farrell library expansion revenue bond fund, K DFA K bonds, 1995 .....	No limit
Recreation complex revenue bond fund, K DFA D bonds, 1993.....	No limit
Plant science building phase II—special revenue fund .....	No limit
Site improvements fund .....	No limit
College center construction fund .....	No limit
Bluemont hall defects repair fund.....	No limit
Engineering complex phase II private gift fund .....	No limit
Student recreation building repair, equipment & improvement fund .....	No limit
Coliseum/stadium parking repair & improvement fund .....	No limit
Energy conservation projects fund .....	No limit
Student union renovation and expansion revenue bond fund, K DFA B bonds, 1998 .....	No limit

Provided, That Kansas state university may make expenditures from the student union renovation and expansion revenue bond fund, K DFA B bonds, 1998 for the capital improvement project to renovate and expand the student union in an amount of not more than \$11,500,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds: *Provided further*, 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Ackert hall addition—federal fund .....	No limit
Ackert hall addition—gifts and grants fund .....	No limit
Ackert hall project revenue bond fund, K DFA series 2000 D .....	No limit

Provided, That Kansas state university may make expenditures from the Ackert hall project revenue bond fund, K DFA series 2000 D for the project to construct an addition to Ackert hall in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$1,500,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Football stadium expansion—special revenue fund.....	No limit
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Provided, That Kansas state university may make expenditures from the football stadium expansion—special revenue fund for the capital improvement project to expand the football stadium in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$16,000,000 plus all amounts required for costs of any such bond

issuance, costs of interest on any bonds issued or obtained for such capital improvement projects and any required reserves for payment of principal and interest on any bond: *Provided further*, That such capital improvement 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2003, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Biological and agricultural engineering research storage building .....	No limit
Konza prairie preserve storage building .....	No limit
Improvements to grain science value added laboratory.....	No limit
Construct a materials acoustics laboratory .....	No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the student union renovation and expansion fund for fiscal year 2003, expenditures may be made by the above agency from the student union renovation and expansion fund for fiscal year 2003 for costs associated with roof repair on an existing portion of the student union building.

(e) 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 2003, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Accelerated testing laboratory garage addition .....	No limit
Accelerated testing laboratory storage/equipment shed .....	No limit
Salina national gas machinery laboratory .....	No limit

(f) During the fiscal year ending June 30, 2003, Kansas state university is hereby authorized to make expenditures to raze Dennison hall and to raze portions of building no. 025 (Seaton hall).

Sec. 145.

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, 2003, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2003 for the following capital improvement project or projects:

Validation/fresh meats processing laboratory.....	No limit
Renovate laboratories in Throckmorton hall .....	No limit
Warehouse expansion—department of agronomy building .....	No limit
Scandia experiment field office facility.....	No limit
Equipment/pesticide storage buildings .....	No limit
Southwest research extension center office/administrative facility.....	No limit
Equine education and research center.....	No limit
Southeast agriculture research center buildings .....	No limit
South central agronomy experiment field office and storage building.....	No limit
Grain science center .....	No limit
Agricultural shop buildings—east central Kansas experiment field.....	No limit
Animal science swine facility .....	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 overhead research fund for fiscal year 2003, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:



Southeast agriculture research center buildings ..... No limit

(c) During the fiscal year ending June 30, 2003, upon approval of the state board of regents, the president of Kansas state university may request and the pooled money investment board is hereby authorized and directed to provide loans to Kansas state university for the grain science center biological and industrial value-added program in accordance with this subsection. 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 loans. As requested by the president of Kansas state university, the loan amounts shall be provided in multiple disbursements during fiscal year 2003 and each such amount shall bear interest from the date of disbursement based on the net earnings rate for the pooled money investment portfolio for the prior fiscal year. Interest-only payments shall be made on or before August 1, 2002, and on or before each August 1 thereafter until the principal amounts have been repaid. Loan principal amounts may be repaid at any time and all outstanding principal amounts shall be repaid in full on or before August 1, 2005. The aggregate of such loan amounts shall not exceed \$4,000,000.

Sec. 146.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
Bond construction funds fund.....	No limit
Student union addition bond and interest sinking 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
Student recreational building fund.....	No limit

*Provided*, That Emporia state university may make expenditures from the student recreational building fund for the capital improvement project to plan and construct a student recreational center in an amount of not more than \$3,000,000, plus all amounts required for the cost of bond issuance, cost of interest on the bond during planning and construction of the project and required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for Emporia state university for the purpose of subsection (b) of K.S.A. 74-8905 and amendments thereto and authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited into the state treasury to the credit of this fund.

Sec. 147.

PITTSBURG 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, 2003, 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 construction fund.....	No limit
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*Provided*, That Pittsburg state university may make expenditures from the Horace Mann construction fund for the renovation of the Horace Mann building: *Provided further*, That the capital improvement project to renovate the Horace Mann building 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: *And provided further*, That all moneys received from the issuance of any such project bonds shall be deposited to the credit of this fund.

Willard hall construction fund.....	No limit
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*Provided*, That Pittsburg state university may make expenditures from the Willard hall construction fund for the renovation of Willard hall: *Provided further*, That the capital improvement project to renovate Willard hall 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: *And provided further*, That all

moneys received from the issuance of any such project bonds shall be deposited to the credit of this fund.

Suspense fund.....	No limit
Energy conservation projects fund.....	No limit

(b) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 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 finance a capital improvement project for renovation of Overman student center: *Provided*, That such capital improvement project is hereby approved for the 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 the Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$3,000,000, 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.

Sec. 148.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
Parking facilities surplus fund—KDFA G bonds, 1993.....	No limit

*Provided*, That the university of Kansas may make expenditures from the parking facilities surplus fund—KDFA G bonds, 1993 for capital improvements to parking lots in addition to the expenditure of other moneys appropriated therefor.

Regents center revenue fund—KDFA D bonds, 1990.....	No limit
Regents center surplus fund.....	No limit
Regents center rebate fund.....	No limit
Regents center revenue refund project principal and interest—KDFA C bonds, 1997.....	No limit
Student union renovation rebate fund (phase I).....	No limit
Student union renovation surplus fund—KDFA C bonds, 1992.....	No limit
Student union renovation rebate fund—KDFA C bonds, 1992.....	No limit
Student union addition—special revenue fund.....	No limit

*Provided*, That the university of Kansas may make expenditures from the student union addition—special revenue fund for the capital improvement project to construct an addition to the student union in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,600,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, 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

(continued)

finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Bioscience research center rebate fund—KDFA series Q bonds, 1992 .....	No limit
Bioscience research center principal and interest payment account—KDFA A bonds, 1994 fund .....	No limit
Bioscience research center reserve account—KDFA A bonds, 1994 fund .....	No limit
Bioscience research center rebate account—KDFA A bonds, 1994 fund .....	No limit
Parking facilities refunding bonds principal and interest fund—KDFA G bonds, 1993 .....	No limit
Parking facilities refunding bonds reserve fund—KDFA G bonds, 1993 .....	No limit
Parking facilities refunding bonds rebate fund—KDFA G bonds 1993 .....	No limit
Student health facility addition revenue fund .....	No limit
Biosciences research center—special revenue fund .....	No limit

*Provided*, That all gifts and grants received for the capital improvement project to construct and equip a biosciences research center, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of the biosciences research center—special revenue fund: *Provided further*, That the above agency may transfer moneys during fiscal year 2003 from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That all transfers of moneys for fiscal year 2003 from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund for fiscal year 2003: *And provided further*, 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Law enforcement training center improvements special revenue fund .....	No limit
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*Provided*, That the university of Kansas may make expenditures from the law enforcement training center improvements special revenue fund for a capital improvement project for parking lot improvements at the law enforcement training center: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$450,000: *Provided further*, That the above agency may transfer moneys for fiscal year 2003 from the law enforcement training center fund to this fund for such capital improvement project: *And provided further*, That all transfers of moneys for fiscal year 2003 from the law enforcement training center fund to this fund shall be in addition to any expenditure limitation imposed on the law enforcement training center fund for fiscal year 2003.

Lewis hall renovation bond proceeds project account KDFA D bonds, 1998 fund .....	No limit
Lewis hall renovation rebate fund KDFA D bonds, 1998 fund .....	No limit
Lewis hall renovation bond reserve fund KDFA D bonds, 1998 fund .....	No limit
Continuing education revenue bonds principal and interest KDFA H bonds, 1998 fund .....	No limit
Continuing education revenue bonds reserve fund KDFA H bonds, 1998 fund .....	No limit
Continuing education revenue bonds surplus account KDFA H bonds, 1998 fund .....	No limit
Athletic facilities enhancements special revenue fund KDFA A university proceeds .....	No limit
Renovate Ellsworth hall—special revenue fund .....	No limit

*Provided*, That the university of Kansas may make expenditures from the renovate Ellsworth hall—special revenue fund for the project to renovate Ellsworth hall in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$12,467,450 plus all amounts required for costs of any bond issuance, cost of interest on bonds

issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *And provided further*, 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys for fiscal year 2003 from appropriate accounts of the house system repairs, equipment and improvement fund to renovate Ellsworth hall—special revenue fund for such capital improvement project.

Templin hall renovation principal and interest payment account KDFA E bonds, 1996 fund .....	No limit
Templin hall renovation bond reserve KDFA E bonds, 1996 fund .....	No limit
Watkins health center addition principal and interest payment account KDFA D bonds, 1995 fund .....	No limit
Watkins health center addition bond reserve KDFA D bonds, 1995 fund .....	No limit
Watkins health center addition surplus fund KDFA D bonds, 1995 fund .....	No limit
Watkins health center addition rebate fund KDFA D bonds, 1995 fund .....	No limit
Regents rehabilitation and repair phase II—project series KDFA G bonds, 1997 fund .....	No limit
Parking garage no. 2 construction project principal and interest account KDFA D bonds, 1999 fund .....	No limit
Parking garage no. 2 construction project bond reserve fund—KDFA D bonds 1999 .....	No limit
Parking garage no. 2 construction project bond proceeds account—KDFA D bonds, 1999 fund .....	No limit
Lewis hall renovation principal and interest account KDFA D bonds 1998 fund .....	No limit
Edwards campus facility expansion—special revenue fund .....	No limit

*Provided*, That the university of Kansas may make expenditures from the Edwards campus facility expansion—special revenue fund for the capital improvement project to expand facilities on the Edwards campus in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$17,800,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: *And provided further*, That all gifts and grants received for the capital improvement project to expand facilities on the Edwards campus, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of the Edwards campus facility expansion—special revenue fund.

Child care facility university proceeds fund .....	No limit
Child care facility principal and interest fund .....	No limit
Child care facility bond reserve fund .....	No limit
Child care facility surplus fund .....	No limit
Child care facility operations account .....	No limit
Child care facility student fee account .....	No limit
Budig hall completion fund .....	No limit

*Provided*, That during the fiscal year ending June 30, 2003, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas from moneys available to the above agency in special revenue funds for fiscal year 2003, including the general fees fund, tuition accountability fund, sponsored research overhead fund and various moneys within the restricted fees fund, including grants, gifts, contracts and fees to the Budig hall completion fund: *Provided, however*, That no expenditures shall be made from this fund until the preliminary plans and program statement for the Budig hall completion project have been reviewed by the joint committee on state building construction: *Provided*

further, That upon request by the chancellor to the director of accounts and reports, any unencumbered balance in this fund shall be transferred from this fund to the tuition accountability fund of the university of Kansas.

Continuing education program building acquisition—special revenue fund.....	No limit
Dole institute gift or grant fund.....	No limit
Construct student recreation & fitness center—special revenue fund.....	No limit

Provided, That the university of Kansas may make expenditures from the construct student recreation & fitness center—special revenue fund for the capital improvement project to construct student recreation center in addition to the expenditure of other moneys appropriated therefor: *Provided, however,* That expenditures from this fund for such capital improvement project shall not exceed \$17,000,000 plus all amounts required for costs of any bond issuance, cost of interest on bonds issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further,* 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: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: *And provided further,* That the above agency may transfer moneys for fiscal year 2003 from appropriate accounts of the restricted fees fund to this fund for such capital improvement project.

Student recreation and fitness center fund—reserve account K DFA 2000Q.....	No limit
Rehabilitation and repair projects for institutions of higher education fund.....	No limit
Rehabilitation and repair projects for disability act, etc fund.....	No limit
Regents rehabilitation and repair project series K DFA F bonds 2001 fund.....	No limit
Templin hall rebate fund.....	No limit
Student union addition—bond proceeds account K DFA T2 2001 fund.....	No limit
Student union addition—university proceeds account K DFA T2 2001 fund.....	No limit
Student union addition—bond reserve account K DFA T2 2001 fund.....	No limit
Student union addition—principal and interest account K DFA T2 2001 fund.....	No limit
Student union addition—surplus account K DFA T2 2001 fund.....	No limit
Bioscience research center refunding bonds—principal and interest account K DFA G5 2001 fund.....	No limit
Bioscience research center refunding bonds—reserve account K DFA G5 2001 fund.....	No limit
Bioscience research center refunding bonds—rebate account K DFA G5 2001 fund.....	No limit
Parking facilities refunding bonds—principal and interest account K DFA G4 2001 fund.....	No limit
Parking facilities refunding bonds—reserve account K DFA G4 2001 fund.....	No limit
Parking facilities refunding bonds—rebate account K DFA G4 2001 fund.....	No limit

(b) During the fiscal year ending June 30, 2003, the university of Kansas is hereby authorized to make expenditures to raze building no. 27—facilities operations storage facility.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 2003, expenditures may be made by the above agency for fiscal year 2003 from the unencumbered balance as of June 30, 2002, in the Dole institute of public service and public policy account of the above agency in the state budget stabilization fund: *Provided,* That expenditures from the unencumbered balance in such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2002: *Provided further,* That all expenditures from the unencumbered balance in such account shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 2003.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas from the restricted fees fund for the fiscal year ending June 30, 2003, expenditures may be made by the university of Kansas from the restricted fees fund for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Remodel of 2nd floor west wing of Strong hall.....	No limit
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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, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Wahl hall renovation fund.....	No limit
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*Provided,* That the university of Kansas medical center may make expenditures from the Wahl hall renovation fund for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair Wahl hall.

Construct and equip nursing education facility—gift and grant fund.....	No limit
Parking facility K DFA principal and interest fund 1988.....	No limit
Parking facility K DFA bond reserve fund 1988.....	No limit
Parking facility K DFA surplus fund 1988.....	No limit
Parking facility revenue fund.....	No limit
Parking facility rebate fund—K DFA F bonds—1988...	No limit
Rehabilitation and repair projects for institutions of higher education fund.....	No limit
Regents R&R project K DFA K bonds, 1996 fund.....	No limit
Construct and equip research building fund.....	No limit
Construct and equip center for health in aging fund....	No limit

*Provided,* That the university of Kansas medical center may make expenditures from the construct and equip center for health in aging fund for the capital improvement project to construct the center for health in aging in addition to the expenditure of other moneys appropriated therefor: *Provided, however,* That expenditures from this fund for such capital improvement project shall not exceed \$8,000,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further,* That the above agency may transfer moneys for fiscal year 2003 from appropriate accounts of the sponsored research overhead fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further,* 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: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Construct and equip center for health in aging principal and interest—K DFA B bonds, 1999.....	No limit
Construct and equip center for health in aging bond reserve fund—K DFA B bonds, 1999.....	No limit
Construct and equip center for health in aging bond reserve fund.....	No limit
Construct and equip center for health in aging—gift and grant fund.....	No limit
Construct and equip research support facility fund.....	No limit

*Provided,* That the university of Kansas medical center may make expenditures from the construct and equip research support facility fund for the capital improvement project to construct an addition to the research support facility in addition to the expenditure of other moneys appropriated therefor: *Provided, however,* That expenditures from this fund for such capital improvement project shall not exceed \$5,240,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further,* That the above agency may transfer moneys for fiscal year 2003 from appropriate accounts of the sponsored research overhead

(continued)

fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Construct and equip addition to research support facility—gift and grant fund..... No limit

(b) During the fiscal year ending June 30, 2003, 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 reserve fund.

Sec. 150.

WICHITA 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, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking system project—maintenance fund, K DFA revenue bonds..... No limit
On-campus parking project fund K DFA bonds..... No limit

Provided, That Wichita state university may make expenditures from the on-campus parking expansion—special revenue fund for the capital improvement project to construct additional on-campus parking spaces in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$7,500,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That such capital improvement project is hereby approved for Wichita 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Parking system project revenue fund—K DFA bonds... No limit
On campus parking principal and interest account—K DFA bonds, 2000 fund..... No limit
On campus parking bond reserve account—K DFA bonds, 2000 fund..... No limit
WSU housing system surplus fund..... No limit
Bond reserve fund—K DFA—WSU housing system renovation..... No limit
Regents rehabilitation and repair phase II—K DFA bonds, 1997 fund..... No limit
Athletic facilities enhancements—special revenue fund..... No limit

Provided, That Wichita state university may renovate and expand athletic facilities at such university and make expenditures from the athletic facilities enhancements—special revenue fund for such capital improvement project, in addition to the expenditure of other moneys appropriated therefor or obtained by such university from other sources: *Provided, however*, That expenditures from this fund for such capital improvements project shall not exceed \$15,000,000 plus all amounts required for costs of any bond issuance, cost of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any such bond: *Provided further*, That such capital improvement project is hereby approved for Wichita 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: *And provided further*, That all moneys received from the issuance of any bonds issued pursuant to subsection (b) of K.S.A. 74-8905 and amendments thereto shall be deposited in the state treasury to the credit of this fund.

Sec. 151.

DEPARTMENT OF HUMAN RESOURCES

(a) 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 2003, expenditures may be made by the above agency from the special employment security fund for fiscal year 2003: *Provided*, That expenditures from this fund during fiscal year 2003 may be made for the following capital improvement purposes: For planning and preliminary costs, to include acquiring architectural services, purchasing land and buildings and razing existing structures, for a new building at 427 S.W. Topeka Boulevard to be used by the department of human resources: *Provided further*, That expenditures from this fund for fiscal year 2003 for such capital improvement purposes shall not exceed \$95,838: *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 special employment security fund for fiscal year 2003.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

Employment security administration property sale fund..... \$72,000

Provided, That expenditures may be made for fiscal year 2003 from the employment security administration property fund to plan for a new building at 427 S.W. Topeka Boulevard to be used by the department of human resources for employment security purposes.

(c) 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 2003, expenditures may be made by the above agency from the employment security administration fund for fiscal year 2003 from moneys made available to the state under section 903 of the federal social security act, as amended: *Provided*, That expenditures from this fund during fiscal year 2003 of moneys made available to the state under section 903 of the federal social security act, as amended, may be made for the following capital improvement purposes: (1) For major maintenance of existing buildings used by the department of human resources 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 2003 of moneys made available to the state under section 903 of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$50,000 plus the amounts of unencumbered balances as of June 30, 2002, for capital improvement projects approved for fiscal years prior to fiscal year 2003: *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 2003.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Complete remodeling of agency headquarters fund..... No limit

Provided, That the department of human resources may make expenditures from the complete remodeling of agency headquarters fund for the capital improvement project to remodel the agency headquarters: *Provided, however*, That expenditures from this fund for such capital improvement project including necessary furniture and equipment shall not exceed \$3,800,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds issued for such capital improvement project and any required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for the department of human resources 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: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Sec. 152.

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, 2003, for the capital improvement project or projects specified as follows:

Soldiers' home repair and rehabilitation projects..... \$100,000  
 Veterans' home repair and rehabilitation projects..... \$90,634

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Winfield veterans home acquisition and construction... No limit  
 Veterans' home federal construction grant fund..... No limit

*Provided*, That all moneys received by the above agency as federal grants for the purposes of construction and remodeling at the Kansas veterans' home, which grants are hereby authorized to be applied for and received by the above agency, shall be deposited in the state treasury to the credit of the Veterans' home federal construction grant fund.

Veterans' cemeteries federal construction grant fund... No limit  
 Federal home construction grant fund..... No limit

(c) On July 1, 2002, any unencumbered balance in the repair and rehabilitation project account of the state institutions building fund is hereby lapsed.

(d) There is appropriated for the above agency from the state institutions building fund for the fiscal year or years specified for the capital improvement project or projects specified as follows:

Veterans' home capital improvements federal match  
 For the fiscal year ending June 30, 2004..... \$587,825

*Provided*, That no expenditures shall be made from the veterans' home federal match account for fiscal year 2004 except after (1) receipt of federal funds for the purpose of capital improvements for the Kansas veterans' home, (2) presentation of the proposed capital improvement projects to the joint committee on state building construction, and (3) 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.

For the fiscal year ending June 30, 2005..... \$587,825

*Provided*, That no expenditures shall be made from the veterans' home federal match account for fiscal year 2005 except upon (1) receipt of federal funds for the purpose of capital improvements for the Kansas veterans' home, (2) presentation of the proposed capital improvement projects to the joint committee on state building construction, and (3) 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.

Sec. 153.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

Debt service—headquarters building ..... \$311,575

(b) On July 1, 2002, or as soon thereafter as moneys are available and after all liabilities pursuant to subsections (c)(2) and (c)(3) of K.S.A. 2001 Supp. 60-4117, and amendments thereto, court orders and federal requirements have been satisfied, as certified by the director of the budget, the director of accounts and reports shall make one or more transfers from the Kansas bureau of investigation state forfeiture fund to the state general fund for the purpose of reimbursing the state general fund for moneys advanced to the remodel Great Bend facility fund: *Provided*, That the aggregate of all transfers from the Kansas bureau of investigation state forfeiture fund to the state general fund for such purpose during the fiscal years ending June 30, 2002, and June 30, 2003, shall not exceed \$293,329.

Sec. 154.

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 2003, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2003 to make debt service payments for the Kansas highway patrol training center at Salina for the bonds issued for such project pursuant to subsection (b) of section 6 of chapter 326 of the 1992 Session Laws of Kansas.

(b) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2003,

expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Training center—remodeling, rehabilitation and repair projects..... \$50,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the highway patrol training center fund for fiscal year 2003.

(c) In addition to other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for fiscal year 2003, expenditures may be made by the above agency from the motor carrier inspection fund for fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Remodeling, rehabilitation and repair projects..... \$50,000  
 Replacement of scales..... \$170,249  
 Port Modernization..... \$110,872

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the motor carrier inspection fund for fiscal year 2003.

(d) In addition to the other purposes for which expenditures may be made by the Kansas highway patrol from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 or fiscal year 2003 as authorized chapter 144 or 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the Kansas highway patrol from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 or fiscal year 2003 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 finance a capital improvement project to modernize port weigh stations on interstate 70 and interstate 35 highways: *Provided*, That such capital improvement project is hereby approved for the Kansas highway patrol 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 Kansas highway patrol 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 \$1,400,000, 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.

Sec. 155.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

Debt service—rehabilitation and repair of the statewide armories..... \$197,124

Sec. 156.

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, 2003, for the capital improvement project or projects specified as follows:

Any unencumbered balance in excess of \$100 as of June 30, 2002, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 2003: Rehabilitation and repair; Crawford state fishing lake sewer repair.

Any unencumbered balance in excess of \$100 as of June 30, 2002, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 2003: Matching grant for development of wetlands project at Milford reservoir: *Provided*, That expend-

(continued)

itures for fiscal year 2003 may be made from the matching grant for development of wetlands project at Milford reservoir account by the secretary of wildlife and parks only upon verification by the chairperson of WILDSCAPE that federal funds are available from the U.S. army corps of engineers for development of the Milford wetlands: *Provided, however*, That funds provided by the Kansas department of wildlife and parks to WILDSCAPE shall not be used to finance the administrative costs of WILDSCAPE.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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
Bridge maintenance fund.....	No limit
Nongame wildlife improvement fund.....	No limit

(c) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,500,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks.

(d) On July 1, 2002, 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 migratory waterfowl propagation and protection fund for fiscal year 2003, 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 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Migratory waterfowl propagation and protection fund— wetlands acquisition/ development.....	\$100,000
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*Provided*, That all expenditures from each such capital improvement account of the migratory waterfowl propagation and protection fund shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2003.

(f) 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 2003, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2003 from the unencumbered balance as of June 30, 2002, in each existing capital improvement account of the migratory waterfowl propagation and protection fund: *Provided*, That all expenditures from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2002: *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 2003.

(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 2003, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Boating fee fund—motorboat access.....	\$275,425
Boating fee fund—Kansas and Missouri river access....	\$100,000

(h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2003, expenditures may be made by the above agency from the boating fee fund for fiscal year 2003 from the unencumbered balance as of June 30, 2002, 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, 2002: *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 2003 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2003.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the state budget stabilization fund for

fiscal year 2003, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 2003 from the unencumbered balance as of June 30, 2002, in each existing capital improvement account of the above agency in the state budget stabilization 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, 2002: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 2003.

(j) On June 30, 2003, any unencumbered balance in any existing capital improvement account or accounts of the above agency in the state budget stabilization fund is hereby lapsed.

(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 2003, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wildlife fee fund federally mandated boating access ...	\$526,275
Wildlife fee fund rehabilitation and repair.....	\$489,150

*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 2003.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2003, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2003 from the unencumbered balance as of June 30, 2002, 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, 2002: *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 2003.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2003, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife conservation fund for fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wildlife conservation fund—wetlands acquisition/ development.....	\$350,000
Wildlife conservation fund—land acquisition.....	\$500,000

(n) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2003, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2003 from the unencumbered balance as of June 30, 2002, 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, 2002: *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 2003 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2003.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2003, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2003 from the unexpended balance in the wildlife conservation fund—wetlands acquisition/development account and the unexpended balance in the wildlife conservation fund—land acquisition account for the additional purpose of financing a pilot project of grass terracing designed to encourage bird populations.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2003, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks fee fund—rehabilitation and repair..... \$268,643

(q) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2003, expenditures may be made by the above agency from the parks fee fund for fiscal year 2003 from the unencumbered balance as of June 30, 2002, 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, 2002: *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 2003.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2003, expenditures may be made by the above agency from the following capital improvement account or accounts of the land and water conservation fund for fiscal year 2003 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation fund—rehabilitation and repair..... \$149,242

*Provided*, That all expenditures from each such capital improvement account of the land and water conservation fund shall be in addition to any expenditure limitation imposed on the land and water conservation fund for fiscal year 2003.

(s) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2003 from the unencumbered balance as of June 30, 2002, in each existing capital improvement account of the land and water conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2002: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund for fiscal year 2003 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund for the fiscal year 2003.

(t) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for fiscal year 2003 for construction of any new river access project on the Kansas River unless (1) the secretary of wildlife and parks has obtained the prior written permission for the proposed river access project from each owner of each parcel of real property on the river which is immediately adjacent to the real property upon which the proposed river access project is to be constructed, and (2), if a parcel of any of such immediately adjacent real property is being leased, the secretary of wildlife and parks also has obtained the prior written permission for the proposed river access project from the lessor of such parcel of any such immediately adjacent real property.

Sec. 157.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

~~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..... \$10,000,000~~

~~*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 pro-~~

~~jects have been reviewed by the joint committee on state building construction.~~

Debt service—revenue bonds issued for major remodeling and new construction projects at state educational institutions..... \$15,000,000  
Sec. 158.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

Capital improvements—rehabilitation, remodeling, renovation and repair of juvenile correctional facilities ..... \$973,356

*Provided*, That the commissioner of juvenile justice is hereby authorized to transfer moneys from the capital improvements—rehabilitation, remodeling, renovation and repair of juvenile correctional facilities account of the state institutions building fund to an account or accounts of the state institutions building fund of any institution or facility under the jurisdiction of the commissioner of juvenile justice to be expended during fiscal year 2003 by the institution or facility for capital improvement projects approved by the commissioner of juvenile justice.

Debt service—Topeka complex and Larned juvenile correctional facility ..... \$3,394,028

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

Construction of juvenile correctional facilities fund—VOI/TIS..... No limit

*Provided*, That the juvenile justice authority may make expenditures from the construction of juvenile correctional facilities fund—VOI/TIS to construct new maximum security buildings at the Topeka juvenile correctional facility: *Provided, however*, That expenditures from this fund to construct new maximum security buildings at the Topeka juvenile correctional facility shall not exceed \$5,500,000.

Sec. 159. On July 1, 2002, K.S.A. 2001 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2009, the director of accounts and reports shall transfer \$100,000 from the state general fund, \$100,000 from the state water plan fund established by K.S.A. 82a-951 and amendments thereto and \$100,000 from the conservation fee fund established by K.S.A. 55-143 and amendments thereto to the abandoned oil and gas well fund established by K.S.A. 2001 Supp. 55-192, and amendments thereto, *except that no transfers shall be made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2003.*

Sec. 160. On July 1, 2002, K.S.A. 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) In each school year, each school district which is obligated to make payments from its bond and interest 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;

(continued)

(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. 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 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 ending June 30, 2003, shall be considered 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.

Sec. 161. On July 1, 2002, K.S.A. 2001 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 4.5% 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) The transfers on January 15 and July 15 of each year shall be in equal amounts which in the aggregate equal 3.630% of such taxes credited to the state general fund during the preceding calendar year; and (2) the amount of the transfer on each such date during state fiscal year ~~2002~~ 2003 shall be ~~\$27,940,335.50~~ \$26,246,722. 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 the fiscal year ending June 30, ~~2002~~ 2003, shall be considered 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. 162. On July 1, 2002, K.S.A. 2001 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 3.5% 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: (a) The transfers on July 15 and December 10 of each year shall be in equal amounts which in the aggregate equal 2.823% of such taxes credited to the state general fund during the preceding calendar year; and (b) the amount of the transfer on each such date during state fiscal year ~~2002~~ 2003 shall be ~~\$17,438,174.50~~ \$16,740,646. 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 the fiscal year ending June 30, ~~2002~~ 2003, shall be considered revenue transfers from the state general fund.

Sec. 163. On July 1, 2002, K.S.A. 2001 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) the amount of the transfer on each such date during state fiscal year ~~2002~~ 2003 shall not exceed ~~\$5,222,310.50~~ \$5,031,822. 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 year ending June 30, ~~2002~~ 2003, shall be considered revenue transfers from the state general fund.

Sec. 164. On July 1, 2002, K.S.A. 2001 Supp. 79-34,147 is hereby amended to read as follows: 79-34,147. (a) (1) On July 1, 1999, and quarterly thereafter the secretary of revenue shall certify to the director of accounts and reports the amount equal to 7.628% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(2) On July 1, 2001, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 9.5% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(3) On July 1, 2002, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 11% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(4) On July 1, 2003, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 11.25% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.



(5) On July 1, 2004, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 12% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(b) Upon receipt of each certification under subsection (a), the director of accounts and reports shall transfer from the state general fund to the state highway fund an amount equal to the amount so certified, on each July 1, October 1, January 1 and April 1, except that ~~the amount of the transfer on each such date during state fiscal year 2002 shall not exceed \$30,277,162 no transfers shall be made pursuant to this section during state fiscal year 2003.~~ All transfers made pursuant to this section are subject to reduction under K.S.A. 75-6704, and amendments thereto.

(c) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 165. On July 1, 2002, K.S.A. 2001 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. In each fiscal year, the director of accounts and reports shall transfer ~~\$6,000,000~~ \$3,773,949 from the state general fund to the state water plan fund created by K.S.A. 82a-51, and amendments thereto, ½ of such amount to be transferred on July 15 and ½ to be transferred on January 15, except that ~~(1) such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto, and (2) the amount of the transfer on each such date during state fiscal year 2001 shall be \$2,250,000.~~ 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 year ending June 30, 2003, shall be considered revenue transfers from the state general fund.*

Sec. 166. (a) In addition to the other purposes for which expenditures may be made by the governor's department from the governor's department account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the governor's department from the governor's department account of the state general fund for fiscal year 2003 for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,726.07 per biweekly pay period for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which commence on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(b) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2003 for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,053.91 per biweekly pay period for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which commence on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund for fiscal year 2003 for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which commence on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2003 for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,328.71 per biweekly pay period for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which commence on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the state treasurer from the operating expenditures account of the state general fund for fiscal year 2003 for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which commence on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(f) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 2003, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2003 for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which commence on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2003, expenditures shall be made by each state agency from the appropriations made for fiscal year 2003 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of a board for any calendar day occurring on or after June 9, 2002, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 9, 2002, is payable and which are chargeable to fiscal year 2003.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2003, by this act or any other appropriation act of the 2002 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or

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75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing June 9, 2002, and ending June 30, 2003, expenditures shall be made by the Kansas turnpike authority for such period for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after June 9, 2002, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after June 9, 2002, and prior to July 1, 2003, is payable by the Kansas turnpike authority.

(i) 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, 2003, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2003 (1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after June 9, 2002, which is chargeable to fiscal year 2003; and (2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after June 9, 2002, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2003: *Provided*, That all expenditures for such purpose shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 9, 2002, is payable and which are chargeable to fiscal year 2003.

(j) 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, 2003, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2003 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows: (1) For the president of the senate and the speaker of the house of representatives an amount equal to the amount required to provide an aggregate amount of \$479.60 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003; (2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives an amount equal to the amount required to provide an aggregate amount of \$244.79 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003; (3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations an amount equal to the amount required to provide an aggregate amount of \$385.69 per

biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003; (4) for the majority leaders of the senate and house of representatives an amount equal to the amount required to provide an aggregate amount of \$432.68 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003; and (5) for the minority leaders of the senate and house of representatives an amount equal to the amount required to provide an aggregate amount of \$432.68 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 9, 2002, which is chargeable to fiscal year 2003: *Provided*, That all expenditures under this subsection (j) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which commence on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(k) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for fiscal year 2003 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after June 9, 2002, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2003: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(l) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year 2003: (1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after June 9, 2002, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2003; and (2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the contract audit committee for any calendar day occurring on or after June 9, 2002, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2003: *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 9, 2002, and which are chargeable to fiscal year 2003.

(m) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2003: (1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after June 9, 2002, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2003; and (2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after June 9, 2002, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and is chargeable to fiscal year 2003: *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the bi-weekly pay periods for which such per diem compensation for calendar days occurring on or after June 9, 2002, is payable and which are chargeable to fiscal year 2003.

(n) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2003, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2003 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after June 9, 2002, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and is chargeable to fiscal year 2003: *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 9, 2002, is payable and which are chargeable to fiscal year 2003.

Sec. 167. On July 1, 2002, K.S.A. 2001 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2001 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than 1/2 of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to

the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including but not limited to continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) In each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, *except that the aggregate amount of the transfers on such dates during state fiscal year 2003 shall not exceed \$1,900,000*. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 168. (a) On June 30, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,301,112 from the state economic development initiatives fund to the state general fund.

Sec. 169. (a) (1) On the effective date of this act, of the amount in each account of the state general fund of each state agency that is appropriated or reappropriated for the fiscal year ending June 30, 2002, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is subject to the provisions of this subsection (a), the amount equal to .31% of such amount in each such account is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2002 by this subsection (a) shall not exceed \$5,250,000.

(2) The provisions of this subsection (a) shall not apply to any item of appropriation or reappropriation from the state general fund for fiscal year 2002 (A) for debt service for payments pursuant to contractual bond obligations, (B) for employer contributions for the employers who are eligible employers as specified in subsection (1), (2) or (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, (C) for the department of education, (D) for any institution, as defined in K.S.A. 76-12a01 and amendments thereto, under the jurisdiction of the department of social and rehabilitation services, or (E) for the de-

(continued)

partment of social and rehabilitation services or the department on aging which are required to meet caseload obligations under the state medicaid plan or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause (E): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (E), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(b) (1) On July 1, 2002, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for purchase of motor vehicles as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed from each such account.

(2) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for purchase of motor vehicles as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, 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)(2) 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.

(3) The total of (A) the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2003 by subsection (b)(1), and (B) the aggregate amount transferred from all such special revenue funds and accounts to the state general fund during fiscal year 2003 pursuant to subsection (b)(2), shall not exceed \$5,000,000.

(4) In determining the amount budgeted for each state agency for the purchase of motor vehicles for the fiscal year ending June 30, 2003, in each account of the state general fund of such state agency that is appropriated for fiscal year 2003, and in each account of each special revenue fund of such state agency that is appropriated for fiscal year 2003, for the purposes of making the certifications to the director of accounts and reports prescribed by this subsection (b), the director of the budget shall review the information contained in budget estimates submitted by state agencies for fiscal year 2003, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2003 for such state agencies and may consider such additional information, including actual expenditures for purchase of motor vehicles during prior fiscal years by state agencies, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (b), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions: *Provided*, That the provisions of this subsection (b) shall not apply to the Kansas highway patrol: *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 (b), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That, as used in this subsection (b), "motor vehicle" includes motorized vehicles and equipment, whether or not such vehicles and equipment are to be used or operated primarily on roads and highways.

(c) (1) On July 1, 2002, 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, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for contracting any firms providing temporary or on-call workers, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, the

amount equal to 66 2/3% of the amount certified by the director of the budget is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$250,000: *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 the legislative research department.

(2) In determining the amount budgeted for each state agency for contracting with any firms providing temporary or on-call workers for the fiscal year ending June 30, 2003, in each account of the state general fund of such state agency that is appropriated for fiscal year 2003, for the purposes of making the certifications to the director of accounts and reports prescribed by this subsection (c), the director of the budget shall review the information contained in budget estimates submitted by state agencies for fiscal year 2003, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2003 for such state agencies and may consider such additional information, including actual expenditures for contracting with any firms providing temporary or on-call workers during prior fiscal years by state agencies, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (c), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions.

(d) (1) On July 1, 2002, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for purchase of office furniture or office equipment from any source other than the correctional industries program, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$6,000,000: *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 the legislative research department.

(2) In determining the amount budgeted for each state agency for the purchase of office furniture or office equipment for the fiscal year ending June 30, 2003, in each account of the state general fund of such state agency that is appropriated for fiscal year 2003, for the purposes of making the certifications to the director of accounts and reports prescribed by this subsection (d), the director of the budget shall review the information contained in budget estimates submitted by state agencies for fiscal year 2003, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2003 for such state agencies and may consider such additional information, including actual expenditures for purchase of office furniture or office equipment during prior fiscal years by state agencies from all sources including the correctional industries program, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (d), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions.

(3) Except as otherwise provided for purchases from the correctional industries program of the department of corrections, no expenditures shall be made during the fiscal year ending June 30, 2003, from any moneys appropriated for any state agency from the state general fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for purchase of office furniture or office equipment.

(4) The provisions of this subsection (d) shall not apply (A) to any purchase of office furniture or office equipment by any state agency from the correctional industries program of the department of corrections or (B) to any amount budgeted for the purchase of office furniture or office equipment by any state agency from the correctional industries program of the department of corrections.

(e) (1) On July 1, 2002, 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, 2003, by chapter 144 or chapter 216 of the 2001 Session

Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for fiscal year 2003 for purchase of general supplies in expenditure object codes 370 and 390 for the state agency, the amount equal to 10% of the amount budgeted for fiscal year 2003 in each such account of the state general fund for purchase of general supplies in expenditure object codes 370 and 390 for the state agency, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed: *Provided*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$2,500,000: *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 the legislative research department.

(2) In determining the amount budgeted for each state agency for the purchase of general supplies in expenditure object codes 370 and 390 for the fiscal year ending June 30, 2003, in each account of the state general fund of such state agency that is appropriated for fiscal year 2003, for the purposes of making the certifications to the director of accounts and reports prescribed by this subsection (e), the director of the budget shall review the information contained in budget estimates submitted by state agencies for fiscal year 2003, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2003 for such state agencies and may consider such additional information, including actual expenditures for the purchase of general supplies in expenditure object codes 370 and 390 during prior fiscal years by state agencies, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (e), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions.

(f) (1) On July 1, 2002, 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, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for fiscal year 2003 for payment of color printing expenditures for annual reports, as certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$1,000,000: *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 the legislative research department.

(2) In determining the amount budgeted for each state agency for payment of color printing expenditures for annual reports for the fiscal year ending June 30, 2003, in each account of the state general fund of such state agency that is appropriated for fiscal year 2003, for the purposes of making the certifications to the director of accounts and reports prescribed by this subsection (f), the director of the budget shall review the information contained in budget estimates submitted by state agencies for fiscal year 2003, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2003 for such state agencies and may consider such additional information, including actual expenditures for payment of color printing expenditures for annual reports during prior fiscal years by state agencies, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (f), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions.

(3) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for payment of color printing expenditures for annual reports.

(g) (1) On July 1, 2002, 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, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for fiscal year 2003 for official out-of-state travel for the state agency, the amount equal to 40%

of the amount budgeted for fiscal year 2003 in each such account of the state general fund for official out-of-state travel for the state agency, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed: *Provided*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$2,000,000: *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 the legislative research department.

(2) In determining the amount budgeted for each state agency for official out-of-state travel for the fiscal year ending June 30, 2003, in each account of the state general fund of such state agency that is appropriated for fiscal year 2003, for the purposes of making the certifications to the director of accounts and reports prescribed by this subsection (g), the director of the budget shall review the information contained in budget estimates submitted by state agencies for fiscal year 2003, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2003 for such state agencies and may consider such additional information, including actual expenditures for official out-of-state travel during prior fiscal years by state agencies, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (g), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions.

(h) (1) On July 1, 2002, 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, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for fiscal year 2003 for payment of expenses of private vehicle reimbursement for official in-state travel for the state agency, the amount equal to 10% of the amount budgeted for fiscal year 2003 in each such account of the state general fund for payment of expenses of private vehicle reimbursement for official in-state travel for the state agency, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed: *Provided*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$200,000: *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 the legislative research department.

(2) In determining the amount budgeted for each state agency for the payment of expenses of private vehicle reimbursement for official in-state travel for the fiscal year ending June 30, 2003, in each account of the state general fund of such state agency that is appropriated for fiscal year 2003, for the purposes of making the certifications to the director of accounts and reports prescribed by this subsection (h), the director of the budget shall review the information contained in budget estimates submitted by state agencies for fiscal year 2003, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2003 for such state agencies and may consider such additional information, including actual expenditures for the payment of expenses of private vehicle reimbursement for official in-state travel during prior fiscal years by state agencies, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (h), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions.

(i) On July 1, 2002, 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, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for fiscal year 2003 for payment of longevity bonus payments pursuant to K.S.A. 75-5541 and amendments thereto, the amount equal to 50% of the amount budgeted for fiscal year 2003 in each such account of the state general fund for longevity bonus payments, as certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal

(continued)

year 2003 by this subsection shall not exceed \$2,600,000: *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 the legislative research department.

(j) In addition to the other purposes for which expenditures may be made by each state agency, which is named in this act and which has title to any real estate, from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by each state agency named in this act from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2003, to identify and provide for the sale of real property determined to be surplus real estate of the state agency in accordance with the provisions of K.S.A. 2001 Supp. 75-6609, and amendments thereto: *Provided*, That, notwithstanding any provisions of K.S.A. 2001 Supp. 75-6609, and amendments thereto, or of any other statute to the contrary, all proceeds from the sale of such surplus real estate shall be deposited in the state treasury to the credit of the state general fund.

(k) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, for purchase of any personal computers, servers or any other computer equipment other than through existing statewide purchasing contracts entered into by the director of purchases: *Provided*, That a state agency may make expenditures of moneys appropriated in special revenue funds for fiscal year 2003 for purchase of any personal computers, servers or any other computer equipment other than through existing statewide purchasing contracts entered into by the director of purchases upon approval of such purchase 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 on this matter after such state agency has advised and consulted with the joint committee on information technology regarding such purchase: *And provided further*, That such approval also may be given by the state finance council while the legislature is in session.

(l) 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 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2003, to study the feasibility of utilizing the Linux operating system and other open source software by state agencies to replace software produced by Microsoft corporation on computer servers, including internet web servers, and other computers of state agencies other than personal desktop or laptop computers.

(m) In addition to the other purposes for which expenditures may be made by each state agency which is named in this act from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by each state agency named in this act from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2003, to provide for and implement high priority programs to save energy through lighting retro-fits, motion sensors, and more effective utility management.

(n) During the fiscal year ending June 30, 2003, no moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for any state agency and allocated within the approved budget for such state agency for salaries and wages for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of

Kansas or by this or other appropriation act of the 2002 regular session of the legislature, shall be transferred, reallocated or expended for any other purpose: *Provided*, That, during fiscal year 2003, the director of the budget shall monitor all such moneys appropriated for fiscal year 2003 for each state agency and the director of the budget shall determine the amount of such moneys that are budgeted and appropriated in each account of the state general fund for fiscal year 2003 for such state agency for salaries and wages for state officers and employees, including associated employer contributions, that will not be expended for fiscal year 2003 for such purpose and are to be adjusted in such budget and are to be lapsed from such appropriations pursuant to this subsection, based on shrinkage data and other appropriate factors: *Provided further*, That the director of the budget is hereby authorized and directed to reduce the amount budgeted for salaries and wages for state officers and employees, including associated employer contributions, in each account of the state general fund for fiscal year 2003 of such state agency and to certify each such amount to the director of accounts and reports on or before June 30, 2003: *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 the legislative research department: *And provided further*, That, on June 30, 2003, the amount certified by the director of the budget to the director of accounts and reports under this subsection in each account of the state general fund of each state agency that is appropriated for fiscal year 2003, as specified in such certification, is hereby lapsed from the designated appropriation or appropriations from the state general fund for fiscal year 2003 and the director of accounts and reports shall make the appropriate adjustments to the accounts of each such state agency.

(o) On July 1, 2002, the expenditure limitation established by subsection (b) of K.S.A. 75-6702, and amendments thereto, on the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2002 regular session of the legislature for fiscal year 2003, so that there will be an ending balance in the state general fund for fiscal year 2004 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 fiscal year 2003, is hereby increased so that there will be an ending balance in the state general fund for fiscal year 2004 that is equal to 5.0% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in fiscal year 2003.

(p) On and after the effective date of this act, during the fiscal years ending June 30, 2002, and June 30, 2003, no expenditures shall be made by any state agency from any moneys appropriated for such state agency from the state general fund or any special revenue fund for fiscal year 2002 or for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for such state agency to enter into or to otherwise provide for such state agency to enter into, or to make any payments or other expenditures pursuant to, any installment purchase agreement or any lease with an option to purchase agreement for the acquisition of any item of equipment or other item of personal property with a purchase price of \$500,000 or more: *Provided*, That the provisions of this subsection (p) shall not apply under any of the following conditions: (1) The lease or project is approved for financing pursuant to subsection (b) of K.S.A. 74-8905, and amendments thereto, (2) the installment purchase agreement or lease with option to purchase agreement is an existing obligation entered into prior to the effective date of this act, (3) the installment purchase agreement or lease with option to purchase agreement is for energy or other facility conservation improvements constructed pursuant to K.S.A. 2001 Supp. 75-37,125, and amendments thereto, or is financed pursuant to K.S.A. 75-3799, and amendments thereto, (4) the equipment or other personal property acquired through an installment purchase agreement or a lease with an option to purchase agreement was specifically identified in a state agency's budget submission pursuant to K.S.A. 75-3717, and amendments thereto, and funding was appropriated therefor, or (5) the installment purchase agreement or lease with option to purchase agreement is 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, except that such approval also may be given while the legislature is in session.

(q) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the

state general fund or any special revenue fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature to any state officer or employee for any salary bonus payment which exceeds \$1,000. *Provided*, That the provisions of this subsection (q) shall not apply to: (1) Longevity bonus payments pursuant to K.S.A. 75-5541, and amendments thereto; (2) retention incentive bonus payments pursuant to applicable memoranda of agreement and executive directive no. 00-299 or executive directive no. 01-312; (3) unclassified bonus payments pursuant to the program for bonus awards for unclassified officers and employees established by the board of trustees of the Kansas public employees retirement system under subsection (7) of K.S.A. 74-4908, and amendments thereto; or (4) any bonus payments pursuant to section 2 of 2002 Senate Bill No. 429.

Sec. 170. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2002, or June 30, 2003, made in chapter 144 or 216 of the 2001 Session Laws of Kansas or in this act or in any other appropriation act of the 2002 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 171. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund or the state water plan fund or to any account thereof.

Sec. 172. *Savings.* (a) Any unencumbered balance as of June 30, 2002, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2003, for the same use and purpose as the same was heretofore appropriated. This subsection shall not apply to any state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas.

(b) Any unencumbered balance as of June 30, 2002, in any special revenue fund, or account thereof, of any state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas which is not otherwise specifically appropriated or limited for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for fiscal year 2003 for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund or the state water plan fund or any account of any of such funds.

Sec. 173. During the fiscal year ending June 30, 2003, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2002 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2003, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this subsection, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 174. *Federal grants.* (a) During the fiscal year ending June 30, 2003, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2003, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom. This

subsection shall not apply to any state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas.

(b) During the fiscal year ending June 30, 2003, each federal grant or other federal receipt which is received by a state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas and which is not otherwise appropriated to that state agency for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for fiscal year 2003 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2003, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2003.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature to apply for and receive federal grants during fiscal year 2003, which federal grants are hereby authorized to be applied for and received by such state agencies. *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 175. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2002 regular session of the legislature, and having an unencumbered balance as of June 30, 2002, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2003, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 176. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2002 regular session of the legislature and having an unencumbered balance as of June 30, 2002, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2003, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 177. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2002 regular session of the legislature and having an unencumbered balance as of June 30, 2002, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2003, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 178. Any transfers of money during the fiscal year ending June 30, 2003, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2003.

Sec. 179. On the effective date of this act, section 59 of chapter 216 of the 2001 Session Laws of Kansas is hereby repealed.

Sec. 180. On July 1, 2002, K.S.A. 75-2319 and K.S.A. 2001 Supp. 55-193, 79-2959, 79-2964, 79-3425i, 79-34,147, 79-4804 and 82a-953a and section 100 of chapter 144 of the 2001 Session Laws of Kansas are hereby repealed.

Sec. 181. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Office of the Governor

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill No. 517 with my signature approving the bill, except for the items enumerated below.

Department of Commerce & Housing

Film & Video Attraction Program

The portion of Section 88(a) that reads as follows has been line-item vetoed:

And provided further, That expenditures shall be made by the above agency from the moneys appropriated in the operating grant (including official hospitality) account of the state economic development initiatives fund in the amount of not less than \$75,000 for a Kansas film and video attraction program, which shall be used by the Kansas film commission to attract film and video projects to the state:

Section 88(a) requires the Department of Commerce and Housing to spend \$75,000 of its operating expenditures from the Economic Development Initiative Fund for a Kansas Film and Video Attraction Program. For the first time, the legislature has provided an operating grant for the Department, which is designed to give the agency flexibility in allocating funds between activities that produce measurable outcomes, rather than funding individual programs at a fixed amount. This proviso undermines the concept before the operating grant has had a chance to work. Because no additional funds were added for this purpose, this \$75,000 would have to be taken from an already reduced budget. In addition, the grant amount exceeds what the Department has been able to award in the past. The proviso also eliminates the Department's authority to issue the grants. Therefore, I find it necessary to veto this grant.

Emergency Medical Services Board

Radio Tower in Meade County

Section 120(c) has been line-item vetoed in its entirety.

This section imposes an FY 2003 expense on the EMS Board for the use of radio towers. The use of state-owned, 800-megahertz radio antennae in Meade County as a platform for a non-state owned early warning system would create an undesirable precedent for the state. Agency policies are based upon sound expertise and designed to protect the integrity of the state system. Legislatively mandated modifications of the practices on a piecemeal basis generate the increased probability of significant future problems. The probability of equipment interference, even if the system is found to be 800-megahertz compliant, is great enough that I find it necessary to veto this section.

Department of Administration

Statehouse Dome Support for Ad Astra

Section 141(l) has been line-item vetoed in its entirety.

This section prohibits the Department of Administration from spending state funds during FY 2003 to reinforce the dome of the Statehouse so it will support the Ad Astra sculpture. However, private gifts, grants, or donations could be used for this project. At the time the agreement was made with the artist of the statue, no provision was made for support of the dome to be financed with private funds. The purpose of this proviso is not clear. When this

item was considered during review of the budget, some objections were raised about the incorporation of this project into the broader Statehouse renovation effort, which would have allowed it to be financed through the State General Fund debt service payments on the renovation. If this proviso is intended to prevent this project from becoming funded from debt service for the Statehouse renovation, it is overbroad because it prohibits the use of any public funds for the project. Therefore, I line-item veto this proviso because it is unnecessary and unduly restrictive.

Board of Regents

Rehabilitation & Repair Projects

The portion of Section 157(a) that reads as follows has been line-item vetoed:

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 ..... \$10,000,000

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.

During the 2001 Legislative Session, as a multi-year appropriation, \$10.0 million in funding from the Kansas Educational Building Fund was provided for rehabilitation and repair projects at state universities in each year for FY 2002 and FY 2003. This funding is appropriated to, and distributed by, the Board of Regents to the universities. During the preparation of appropriations, the \$10.0 million in funding for FY 2003 was unintentionally duplicated. My veto of this section will reflect the budget as it was intended by eliminating the duplication.

Dated May 18, 2002.

Bill Graves  
Governor

(Published in the Kansas Register June 6, 2002.)

HOUSE Substitute for SENATE BILL No. 152

AN ACT concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 4-128, 4-133 and 4-135.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in sections 1 through 7, and amendments thereto, "voting district," "tract," "block group" or "block" means, respectively, a voting district (VTD), tract, block group or block identified on the official United States 2000 decennial census maps.

(b) Voting districts, tracts, block groups and blocks are referred to in sections 1 through 7, and amendments thereto, by the alphanumeric code by which they are identified on the official United States 2000 decennial census maps and data lists.

(c) The boundaries of counties, voting districts, tracts, block groups and blocks referred to in sections 1 through 7, and amendments thereto,



are those boundaries as they exist and are identified on the official United States 2000 decennial census maps.

Sec. 2. (a) If a county, voting district, tract, block group or block is not included within a congressional district established by this act, such county, voting district, tract, block group or block shall be attached to the congressional district to which it is contiguous and, if contiguous to more than one congressional district, it shall be attached to the contiguous congressional district which has the least total population.

(b) If a county, voting district, tract, block group or block is included in two or more congressional districts established by this act, such county, voting district, tract, block group or block shall be attached to and become a part of the congressional district which has the least total population.

Sec. 3. The provisions of this act shall not affect the term of any representative to congress elected to represent a district at the general election of 2000 or the term of any successor elected to succeed such representative for an unexpired term, and all such representatives shall continue to serve the districts from which elected until the representatives elected from the congressional districts established by this act commence their terms of office in January, 2003.

Sec. 4. Congressional district 1 shall consist of all of Barber county; and all of Barton county; and all of Chase county; and all of Cheyenne county; and all of Clark county; and all of Clay county; and all of Cloud county; and all of Comanche county; and all of Decatur county; and all of Dickinson county; and all of Edwards county; and all of Ellis county; and all of Ellsworth county; and all of Finney county; and all of Ford county; and the following voting districts in Geary county: (000010), (000030), (000040), (000050), (000060), (00007A), (00007B), (00007C), (00007D), (000080), (000090), (000100), (000110), (00012A), (00012B), (00012C), (00012D), (00013A), (00013B), (000140), (000150), (00016A), (00016B), (00017A), (00017B), (00017C), (000180), (000190), (00020A), (00020B), (00021A), (00021B), (00022A), (00022B), (000230), (000240), (000250), (000270), (000280), (00029A), (00029B), (00029C), (00029D); and all of Gove county; and all of Graham county; and all of Grant county; and all of Gray county; and all of Greeley county; and the following voting districts in Greenwood county: (000070), (000080), (000090), (000130), (000150); and the following blocks in voting district (000160), tract 9956.00, block group 1, in Greenwood county: block 260, block 427, block 430, block 431, block 432, block 460, block 461, block 462, block 463, block 465, block 466, block 467, block 468, block 470, block 471, block 472, block 473, block 519, block 520, block 521, block 602, block 603, block 608, block 609, block 610, block 611, block 612; and all of Hamilton county; and all of Haskell county; and all of Hodgeman county; and all of Jewell county; and all of Kearny county; and all of Kiowa county; and all of Lane county; and all of Lincoln county; and all of Logan county; and all of Lyon county; and all of McPherson county; and all of Marion county; and all of Marshall county; and all of Meade county; and all of Mitchell county; and all of Morris county; and all of Morton county; and the following voting districts in Nemaha county: (000020), (000060), (000070), (000130), (000150), (000190), (00020B), (00020C), (000210), (000220), (00023A), (00023B), (000240), (000250), (000260), (000270), (000280), (000290); and all of Ness county; and all of Norton county; and all of Osborne county; and all of Ottawa county; and all of Pawnee county; and all of Phillips county; and all of Pratt county; and all of Rawlins county; and all of Reno county; and all of Republic county; and all of Rice county; and all of Rooks county; and all of Rush county; and all of Russell county; and all of Saline county; and all of Scott county; and all of Sedgewick county; and all of Sheridan county; and all of Sherman county; and all of Smith county; and all of Stafford county; and all of Stanton county; and all of Stevens county; and all of Thomas county; and all of Trego county; and all of Wabausee county; and all of Wallace county; and all of Washington county; and all of Wichita county.

Sec. 5. Congressional district 2 shall consist of all of Allen county; and all of Anderson county; and all of Atchison county; and all of Bourbon county; and all of Brown county; and all of Cherokee county; and all of Coffey county; and all of Crawford county; and all of Doniphan county; and the following voting districts in Douglas county: (000010), (000030), (00006A), (00006B), (00006C), (00006D), (00010B), (00010C), (00012B), (000170), (000180), (000200), (000210), (000220), (000230), (000240), (000250), (000280), (000290), (000300), (00050A), (00050C), (00052A), (00052B), (00053A), (00053B), (000540), (000560), (000570), (000580), (000590), (00061A), (00061D), (000620), (000630), (000640), (00067B), (000680); and all of Franklin county; and the following voting districts in Geary county: (00002A), (00002B), (00002C), (00002D), (00002E),

(00002F), (00002G), (00002H), (00002I), (00002J), (00002K), (00002L), (00002M), (00002N), (00002O), (00002P), (00002Q), (00002R), (000260); and all of Jackson county; and all of Jefferson county; and all of Labette county; and all of Leavenworth county; and all of Linn county; and all of Miami county; and the following voting districts in Nemaha county: (000010), (000030), (000040), (00005A), (00005B), (00005C), (000080), (000090), (000100), (000110), (000120), (000140), (000160), (000170), (000180), (00020A), (000300); and all of Neosho county; and all of Osage county; and all of Pottawatomie county; and all of Riley county; and all of Shawnee county; and all of Wilson county; and all of Woodson county.

Sec. 6. Congressional district 3 shall consist of the following voting districts in Douglas county: (000020), (000040), (000050), (00007A), (00007B), (00007C), (000080), (000090), (00010A), (00010D), (000110), (00012A), (000130), (000140), (000150), (000160), (000190), (000260), (000270), (000310), (000320), (000330), (000340), (000350), (000360), (000370), (000380), (000400), (000410), (000420), (000430), (00044A), (00044B), (00044C), (00044D), (00044E), (000450), (000460), (000470), (00048A), (00048B), (00048C), (00048D), (00049A), (00049B), (00050B), (00050D), (000600), (00061B), (00061C), (000650), (000660), (00067A); and all of Johnson county; and all of Wyandotte county.

Sec. 7. Congressional district 4 shall consist of all of Butler county; and all of Chautauqua county; and all of Cowley county; and all of Elk county; and the following voting districts in Greenwood county: (000010), (000020), (000030), (000040), (000050), (000060), (000100), (000110), (000120), (000140); and the following blocks in voting district (000160), tract 9956.00, block group 1, in Greenwood county: block 256, block 257, block 258, block 259, block 469, block 522, block 523, block 524, block 525, block 526, block 527, block 528, block 529, block 530, block 531, block 532, block 533, block 534, block 535, block 536, block 537, block 538, block 539, block 540, block 541, block 542, block 543, block 544, block 545, block 546, block 547, block 548, block 549, block 550, block 551, block 552, block 553, block 554, block 555, block 556, block 557, block 558, block 559, block 560, block 561, block 562, block 563, block 564, block 565, block 566, block 567, block 568, block 569, block 570, block 571, block 572, block 573, block 574, block 575, block 576, block 577, block 578, block 587, block 598, block 599, block 600, block 601, block 604, block 605, block 606, block 607, block 616, block 977, block 981; and the following voting districts in Greenwood county: (000170), (000180); and all of Harper county; and all of Harvey county; and all of Kingman county; and all of Montgomery county; and all of Sedgewick county; and all of Sumner county.

Sec. 8. K.S.A. 4-128, 4-133 and 4-135 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

**(Editor's Note: The following bill was approved by the Governor May 31, 2002, except for the line-item vetoes. The Legislature having adjourned sine die, there were no opportunities for the members to reconsider the line-item vetoes and the line-item vetoes were sustained. The Governor's line-item veto message is printed immediately following the bill.)**

(Published in the Kansas Register June 6, 2002.)

#### HOUSE Substitute for SENATE BILL No. 363

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2002, June 30, 2003 and June 30, 2004; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) For the fiscal years ending June 30, 2002, June 30, 2003, and June 30, 2004, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(continued)

(c) This act shall be known and may be cited as the omnibus appropriation act of 2002 and shall constitute the omnibus reconciliation spending limit bill for the 2002 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702 and amendments thereto.

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

Sec. 2.

ATTORNEY GENERAL

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

Additional operating expenditures for investigation and litigation regarding interstate water rights

For the fiscal year ending June 30, 2003..... \$505,776

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2002, in the additional operating expenditures for investigation and litigation regarding interstate water rights account is hereby reappropriated for fiscal year 2003.

(b) On and after the effective date of this act, all expenditures made by the attorney general from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2002 or fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, for the purposes of the state of New York, et. al. Attorney General Elliot Spitzer, et al. v. Microsoft corporation litigation, shall be limited to activities to bring such litigation to conclusion and to secure the award of expenses and remedies as a result of Kansas being a party to the litigation.

Sec. 3.

DEPARTMENT OF ADMINISTRATION

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

Public broadcasting council capital equipment  
For the fiscal year ending June 30, 2003..... \$114,099

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

Facilities management  
For the fiscal year ending June 30, 2003..... \$300,000

(c) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of administration is hereby increased from 881.2 to 882.2.

Sec. 4.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures—Kansas soldiers' home  
For the fiscal year ending June 30, 2003..... \$220,422

Operating expenditures—Persian Gulf War health initiative program  
For the fiscal year ending June 30, 2003..... \$75,000

Provided, That no expenditures shall be made from the operating expenditures—Persian Gulf War health initiative program account if 2002 House Bill No. 2770 is enacted into law. Provided further, That no expenditures shall be made during fiscal year 2003 from the operating expenditures—Persian Gulf War health initiative program account unless the Kansas commission on veterans affairs has first presented a detailed budget for such expenditures to the legislative budget committee.

Operations—state veterans cemeteries  
For the fiscal year ending June 30, 2003..... \$45,597

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the Kansas commission on veterans affairs is hereby increased from 555.3 to 558.3.

Sec. 5.

DEPARTMENT ON AGING

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

Senior pharmacy outreach program  
For the fiscal year ending June 30, 2003..... \$600,000

(b) 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 2003 for the department on aging as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2003 for a senior pharmacy outreach program. Provided, That expenditures for the senior pharmacy outreach program may include expenditures for not more than 1.0 full-time equivalent unclassified temporary position in the central offices of the department on aging and not more than 11.0 additional positions within the area agencies on aging for the senior pharmacy outreach program. Provided further, That the secretary of aging is hereby authorized to contact pharmaceutical companies to apply for and receive funding for the senior pharmacy outreach program from the charitable trust programs of the pharmaceutical companies.

(c) 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 2003 for the department on aging as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2003 for utilization of the final nursing facility reimbursement methodology as published in the Kansas Register. Provided, That the secretary of aging shall institute trending methods to provide inflationary increases to nursing facilities until implementation of the published rules and regulations is complete. Provided further, That the secretary of aging shall delay the implementation of the published nursing facility reimbursement methodology for six months but for not more than 12 months from July 1, 2002. And provided further, That the secretary of aging shall present a report to the committee on ways and means of the senate and the committee on appropriations of the house of representatives during the 2003 regular session of the legislature on cost containment alternatives for nursing facility reimbursements for consideration prior to publication of the proposed reimbursement rules and regulations for the fiscal year ending June 30, 2004.

Sec. 6.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Youth services aid and assistance  
For the fiscal year ending June 30, 2003..... \$25,000

Provided, That expenditures shall be made for fiscal year 2002 from the youth services aid and assistance account for a grant in the amount of \$25,000 to the headquarters counseling center in Lawrence, Kansas, which shall be matched on the basis of \$1 for \$1 by the headquarters counseling center.

Parsons state hospital and training center—operating expenditures  
For the fiscal year ending June 30, 2003..... \$2,237

Larned state hospital—operating expenditures  
For the fiscal year ending June 30, 2003..... \$149,057

(b) On the effective date of this act, of the \$9,398,466 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Kansas neurological institute—operating expenditures account, the sum of \$1,320 is hereby lapsed.

(c) On the effective date of this act, of the \$9,716,548 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Larned state hospital—operating expenditures account, the sum of \$6,657 is hereby lapsed.

(d) On July 1, 2002, of the \$9,787,828 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 95(a) of 2002 Senate Bill No. 517 from the state general fund in the Kansas neurological institute—operating expenditures account, the sum of \$49 is hereby lapsed.

(e) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the Larned state hospital fee fund for fiscal year 2003 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2003 for payment for services provided by central Kansas medical center at the medicaid rate. Provided, That all expenditures from the Larned state hospital fee fund for fiscal year 2003 for payment of services provided by central Kansas medical center at the

medicaid rate shall be in addition to any expenditure limitation imposed on the Larned state hospital fee fund for fiscal year 2003.

(f) 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 2003 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2003 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 or the family preservation program 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 based on recommendations made by a working group including employees of the department, representatives of stakeholder organizations and family members and such fees shall take into consideration the parents' income and ability to pay, shall be reasonable and shall be fixed in order to recover all or part of the expenses incurred in providing such services: *And provided further*, That such fees shall be waived in cases of demonstrable hardship and for families at or below 200% of the federal poverty level who are receiving home and community based services or family preservation services: *And provided further*, That the secretary of social and rehabilitation services shall prepare and deliver a letter to the parents of every child who is receiving such services to express the need for payment of such fees to be made to the extent of their financial ability to do so: *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 to the credit of the social welfare fund: *And provided further*, That, at the beginning of the 2003 regular session of the legislature, the secretary of social and rehabilitation services shall submit a report to the committee on appropriations of the house of representatives, the committee on ways and means of the senate and to other appropriate standing and joint committees of the legislature on the status and the results of the fees collection program.

(g) On the effective date of this act, of the \$126,208,957 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the mental health and retardation services aid and assistance account, the sum of \$36,065,128 is hereby lapsed.

(h) On the effective date of this act, of the \$36,834,437 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the community based services account, the sum of \$11,345,072 is hereby lapsed.

(i) On the effective date of this act, the director of accounts and reports shall transfer \$47,410,200 from the senior services trust fund of the Kansas public employees retirement system to the SRS-IGT fund of the department of social and rehabilitation services.

~~(j) On July 1, 2002, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$18,500,000 from the state general fund to the senior services trust fund of the Kansas public employees retirement system.~~

~~(k) On or before June 30, 2004, on a date certified by the director of the budget, the director of the budget shall transfer \$28,910,200 from the state general fund to the senior services trust fund of the Kansas public employees retirement system: *Provided*, That, at the same time that such 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 the legislative research department.~~

Sec. 7.

DEPARTMENT OF EDUCATION

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

Governor's teaching excellence awards	
For the fiscal year ending June 30, 2002.....	\$16,000
Kansas foundation for agriculture project grant	
For the fiscal year ending June 30, 2003.....	\$35,000
General state aid	

For the fiscal year ending June 30, 2003..... \$11,528,860

(b) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$11,528,860 from the Kansas endowment for youth fund of the Kansas public employees retirement system to the state general fund.

(c) The department of education shall make the expenditure from the KPERS—employer contributions account of the state general fund during the fiscal year ending June 30, 2002, for payment of \$7,985,026 to the Kansas public employees retirement system as authorized by section 45(a) of 2002 Senate Bill No. 517: *Provided*, That the department of education shall not make the payment of \$7,985,026 to the Kansas public employees retirement system from the KPERS—employer contributions account of the state general fund during the fiscal year ending June 30, 2002, if the director of the budget certifies that such payment should not be made during fiscal year 2002 in order to avoid a shortfall in the unencumbered ending balance in the state general fund as of June 30, 2002: *Provided further*, That, in such case, the department of education shall make such payment of \$7,985,026 to the Kansas public employees retirement system from the KPERS—employer contributions account of the state general fund on or after July 1, 2002, during the fiscal year ending June 30, 2003: *And provided further*, That, at the same time that such 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 the legislative research department.

Sec. 8.

DEPARTMENT OF CORRECTIONS

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

Central administration operations and parole and postrelease supervision operations

For the fiscal year ending June 30, 2003..... \$228,125

(b) In addition to the other purposes for which expenditures may be made by the department of corrections from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund, or from any account of any correctional institution into which moneys are transferred from this account, for fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made by the department of corrections from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund, or from any such account of any correctional institution, for fiscal year 2003 for security improvement projects including acquisition of security equipment.

(c) On July 1, 2002, any unencumbered balance in the construction of Ellsworth correctional facility housing unit training center and warehouse account of the state general fund as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(d) During the fiscal year ending June 30, 2003, the department of corrections is hereby authorized to make expenditures to raze the old warden's house (building no. 40000-00017) and the guard shack (building no. 40000-00020) on the grounds of the east unit of Lansing correctional facility.

(e) On the effective date of this act, of the \$1,329,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 59(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the debt service payment for the reception and diagnostic unit relocation bond issue account, the sum of \$71,000 is hereby lapsed.

(f) On the effective date of this act, of the \$4,443,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 59(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the debt service payment for the revenue refunding bond issue account, the sum of \$97,000 is hereby lapsed.

(g) On the effective date of this act, of the \$934,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 59(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the debt service payment for the Topeka and Lansing correctional facility bond issue account, the sum of \$60,125 is hereby lapsed.

Sec. 9.

FORT HAYS STATE UNIVERSITY

(a) In addition to the other purposes for which expenditures may be

(continued)

made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by this or other appropriation act of the 2002 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 for fiscal year 2003 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 track and field surface replacements at Lewis field stadium: *Provided*, That the capital improvement project for track and field surface replacements at Lewis field stadium is hereby approved for Fort Hays 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 Fort Hays 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 \$1,200,000, 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 bonds shall be issued for such capital improvement project until such capital improvement project has been reviewed by the joint committee on state building construction.

Sec. 10.

ADJUTANT GENERAL

(a) There is hereby appropriated from the above agency from the state general fund for the fiscal year ending June 30, 2003, for the capital improvement project or projects specified as follows:

Debt service—rehabilitation and repair of the statewide armories..... \$185,705

(b) On July 1, 2002, of the \$4,398,908 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 115(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$229,620 is hereby lapsed.

(c) On July 1, 2002, the \$243,342 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 115(f) of 2002 Senate Bill No. 517 from the state economic development initiatives fund in the educational assistance account, is hereby lapsed.

Sec. 11.

KANSAS HIGHWAY PATROL

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

Operating expenditures  
For the fiscal year ending June 30, 2003..... \$1,000,000

(b) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 118(b) of 2002 Senate Bill No. 517 on the motor carrier inspection fund of the Kansas highway patrol is hereby increased from \$10,555,455 to no limit.

(c) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 118(b) of 2002 Senate Bill No. 517 on the highway patrol training center fund is hereby increased from \$766,092 to no limit.

Sec. 12.

KANSAS SENTENCING COMMISSION

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

Operating expenditures  
For the fiscal year ending June 30, 2003..... \$6,340

Sec. 13.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the entomology fee fund is hereby increased from \$122,017 to \$218,817.

(b) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the dairy fee fund is hereby increased from \$332,370 to \$403,067.

(c) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the soil amendment fee fund is hereby increased from \$1,075 to \$1,355.

(d) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the agricultural liming materials fee fund is hereby increased from \$48,792 to \$58,842.

(e) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the chemigation fee fund is hereby increased from \$107,255 to \$156,005.

(f) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the agricultural chemical fee fund is hereby increased from \$284,864 to \$466,864.

(g) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the fertilizer fee fund is hereby increased from \$507,571 to \$510,071.

(h) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the pesticide use fee fund is hereby increased from \$433,922 to \$654,572.

(i) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the weights and measures fee fund is hereby increased from \$162,163 to \$190,163.

(j) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 123(b) of 2002 Senate Bill No. 517 on the water appropriation certification fund is hereby increased from \$297,449 to \$537,749.

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

Water structures fund  
For the fiscal year ending June 30, 2003..... \$181,750

Sec. 14.

DEPARTMENT OF WILDLIFE AND PARKS

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 156(r) of 2002 Senate Bill No. 517 on the land and water conservation fund—rehabilitation and repair account of the land and water conservation fund is hereby increased from \$149,242 to \$991,484.

Sec. 15.

KANSAS LOTTERY

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 86(a) of 2002 Senate Bill No. 517 on the lottery operating fund is hereby increased from \$8,962,981 to \$9,000,000.

(b) The director of accounts and reports shall not make the transfer of \$4,000,000 from the lottery operating fund of the Kansas lottery to the state gaming revenues fund which was directed to be made on or before July 15, 2003, by section 86(c) of 2002 Senate Bill No. 517 and, on the effective date of this act, the provisions of section 86(c) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(c) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, for the fiscal year ending June 30, 2002, one additional transfer from the lottery operating fund to the state gaming revenues fund shall be made in addition to the 12 regular transfers, and the 13th transfer shall be made no later than July 15, 2002, and shall be credited to the fiscal year ending June 30, 2002. The 13th transfer shall be not less than \$4,000,000. The director of accounts and reports shall transfer moneys certified by the director of the Kansas lottery from the lottery operating fund to the state gaming revenues fund on or before July 15, 2002, in an amount of not less than \$4,000,000 and this transfer shall be credited to the period ending June 30, 2002. Notwithstanding provisions of K.S.A. 79-4801, and amendments thereto, all amounts credited to the state gam-

ing revenues fund on or before July 15, 2002, shall be transferred and credited to the state general fund on or before July 15, 2002, and shall be credited to the fiscal year ending June 30, 2002.

Sec. 16. On June 30, 2003, the director of accounts and reports shall transfer any unencumbered balance in the state economic development initiatives fund to the state general fund.

Sec. 17.

DEPARTMENT OF HUMAN RESOURCES

(a) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of human resources is hereby decreased from 941.4 to 940.4.

Sec. 18.

DEPARTMENT OF REVENUE

(a) The director of accounts and reports shall not make the transfer of \$200,000 from the division of vehicles operating fund to the state general fund as directed to be made on July 1, 2002, by section 85(f) of 2002 Senate Bill No. 517 and, on the effective date of this act, the provisions of section 85(f) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(b) On July 1, 2002, the expenditure limitation established by section 85(a) of 2002 Senate Bill No. 517 on the division of vehicles operating fund is hereby increased from \$32,755,967 to \$33,211,944.

(c) On July 1, 2002, the director of accounts and reports shall transfer \$455,977 from the state highway fund of the department of transportation to the division of vehicles operating fund of the above agency for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the above agency.

Sec. 19.

EMPORIA STATE UNIVERSITY

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

Reading recovery program	
For the fiscal year ending June 30, 2003.....	\$250,000

Sec. 20.

STATE BOARD OF REGENTS

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

<del>Vocational education capital outlay aid</del>	
<del>For the fiscal year ending June 30, 2003.....</del>	<del>\$135,000</del>
<del>Postsecondary aid for vocational education</del>	
<del>For the fiscal year ending June 30, 2003.....</del>	<del>\$323,383</del>
<del>Technology innovation and internship program</del>	
<del>For the fiscal year ending June 30, 2003.....</del>	<del>\$10,000</del>
National guard educational assistance	
For the fiscal year ending June 30, 2003.....	\$243,342

(b) (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 2003 for such state educational institution as authorized by this or other appropriation act of the 2002 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 2003 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 2003: *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 2003 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, and the university of Kansas medical center.

(c) On July 1, 2002, the \$500 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 112(a) of 2002 Senate Bill No. 517 from the state general fund in the Hesston college flagpole account, is hereby lapsed.

(d) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the state board of regents is hereby increased from 45.0 to 54.0.

~~(e) (1) During the fiscal year ending June 30, 2003, the chief executive officer of the state board of regents shall not transfer any part of any item in any account for the fiscal year ending June 30, 2003, from the state general fund to another item of appropriation in an account, pursuant to section 112(c) of 2002 Senate Bill No. 517. As used in this subsection, "account" means the operating expenditures (including official hospitality) accounts of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university, Fort Hays state university and the municipal university operating grant account of the state board of regents, the post secondary aid for vocational education account of the state board of regents and the community college operating grant account of the state board of regents.~~

~~(2) On the effective date of this act, the provisions of section 112(c) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.~~

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

National guard educational assistance	
For the fiscal year ending June 30, 2003.....	\$229,620

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

Workforce development loan fund	
For the fiscal year ending June 30, 2003.....	No limit
Kan-Ed federal fund	
For the fiscal year ending June 30, 2003.....	No limit

(h) In addition to the purposes for which expenditures may be made by the above agency from the Kan-Ed fund for the fiscal year ending June 30, 2003, as authorized by section 112(b) of 2002 Senate Bill No. 517, expenditures may be made by the above agency for the purposes of implementing 2002 Substitute for Senate Bill No. 614: *Provided*, That expenditures from the Kan-Ed fund from payments received from the KUSF pursuant to subsection (f) of section I of 2002 Substitute for Senate Bill No. 614 for the fiscal year ending June 30, 2003, shall not exceed \$5,000,000.

Sec. 21. ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On July 1, 2002, the director of accounts and reports shall transfer \$258,000 from the remodel Great Bend facility fund to the operating

(continued)

expenditures account of the state general fund of the attorney general—Kansas bureau of investigation.

(b) On the effective date of this act, the provisions of section 74(d) of chapter 144 of the 2001 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 22.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) 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 any special revenue fund for fiscal year 2002 or for fiscal year 2003 for the department of health and environment as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the secretary of health and environment for fiscal year 2002 and for fiscal year 2003, as soon as is feasibly possible, to provide the department of social and rehabilitation services with a listing of all individuals served by the AIDS drug assistance program for the purpose of determining eligibility for the MediKan and medicaid programs as expeditiously as possible.

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

Chemical control fund	
For the fiscal year ending June 30, 2003.....	No limit
Subsurface hydrocarbon storage fund	
For the fiscal year ending June 30, 2003.....	No limit
Sudden infant death support fund	
For the fiscal year ending June 30, 2003.....	No limit
Clean air leadership fund—federal	
For the fiscal year ending June 30, 2003.....	No limit
AIDS project—education and risk reduction fund—federal	
For the fiscal year ending June 30, 2003.....	No limit
Municipal water pollution prevention fund—federal	
For the fiscal year ending June 30, 2003.....	No limit
Medical student loan repayment fund—federal	
For the fiscal year ending June 30, 2003.....	No limit
Natural resources damages trust fund	
For the fiscal year ending June 30, 2003.....	No limit

(c) 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 any special revenue fund for fiscal year 2002 or for fiscal year 2003 for the department of health and environment as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the secretary of health and environment for fiscal year 2002 and for fiscal year 2003 to prepare and present a report to the select security committee of the house of representatives on the use of federal bioterrorism funds received from the U.S. department of health and human services.

(d) On and after the effective date of this act, during the fiscal years ending June 30, 2002, and June 30, 2003, no moneys appropriated from the state general fund or any special revenue fund for fiscal year 2002 and fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature shall be expended by the department of health and environment to enforce the temporary rules and regulations K.A.R. 28-4-576 through 28-4-596, relating to maternal and child health school-age programs, which were adopted on April 1, 2002, by the secretary of health and environment: *Provided*, That the secretary of health and environment shall make expenditures from such moneys for fiscal year 2002 and for fiscal year 2003 to take such actions, including issuing appropriate administrative directives and policies and notices to affected persons and other entities, to suspend any such enforcement of such temporary rules and regulations pending the adoption and taking effect of the proposed permanent rules and regulations relating to maternal and child health school-age programs: *Provided further*, That the secretary of health and environment shall make expenditures from such moneys for fiscal year 2002 and for fiscal year 2003 for the purposes of conducting hearings, soliciting and receiving comments and information, and taking other actions in accordance with the procedures prescribed by law for the adop-

tion of the subject matter contained in such temporary rules and regulations in permanent rules and regulations.

Sec. 23.

STATE BOARD OF PHARMACY

(a) In addition to the other purposes for which expenditures may be made by the state board of pharmacy from the state board of pharmacy fee fund for fiscal year 2002 as authorized by section 92(a) of chapter 144 of the 2001 Session Laws of Kansas, expenditures shall be made by the state board of pharmacy from the state board of pharmacy fee fund for fiscal year 2002 for the purposes of reviewing and making any needed amendments to policies and rules and regulations to permit all licensed pharmacists to put Veterans' Administration prescriptions into unit dose packaging.

(b) In addition to the other purposes for which expenditures may be made by the state board of pharmacy from the state board of pharmacy fee fund for fiscal year 2003 as authorized by section 92(a) of chapter 144 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the state board of pharmacy from the state board of pharmacy fee fund for fiscal year 2003 for the purposes of reviewing and making any needed amendments to policies and rules and regulations to permit all licensed pharmacists to put Veterans' Administration prescriptions into unit dose packaging.

Sec. 24.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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 natural resource legacy alliance fund..... No limit  
*Provided*, That all moneys received by the state conservation commission pursuant to agreements entered into with the other state agencies having powers, duties and functions relating to the goals and priorities which may be developed and included in the vision to be developed by the Kansas natural resource legacy alliance pursuant to section 7 of 2002 Senate Bill No. 504 for utilizing the state's natural resources, which agreements are hereby authorized to be entered into by the state conservation commission and such other state agencies, shall be deposited in the state treasury to the credit of the Kansas natural resource legacy alliance fund: *Provided further*, That all moneys received by the state conservation commission for gifts, grants or donations for the Kansas natural resource legacy alliance, which are hereby authorized to be received on behalf of the Kansas natural resource legacy alliance, shall be deposited in the state treasury to the credit of this fund.

(b) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, to the land treatment cost share account of the state water plan fund of the above agency, the amount equal to the aggregate of all amounts released from each amount which was encumbered to be expended from the land treatment cost-share programs account of the water plan special revenue fund prior to July 1, 2001, and which was transferred from the water plan special revenue fund of the state conservation commission to the state water plan fund pursuant to section 161(d) of chapter 144 of the 2001 Session Laws of Kansas on July 1, 2001.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, to the nonpoint source pollution assistance account of the state water plan fund of the above agency, the amount equal to the aggregate of all amounts released from each amount which was encumbered to be expended from the non-point source pollution account of the water plan special revenue fund prior to July 1, 2001, and which was transferred from the water plan special revenue fund of the state conservation commission to the state water plan fund pursuant to section 161(d) of chapter 144 of the 2001 Session Laws of Kansas on July 1, 2001.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2002, for the following water plan project or projects specified, the following:

Riparian and wetland program .....	\$60,000
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(e) On the effective date of this act, the provisions of section 53(c) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

Sec. 25.

## JUVENILE JUSTICE AUTHORITY

(a) Notwithstanding the provisions of the third proviso to the appropriation from the children's initiatives fund for the fiscal year ending June 30, 2003, in the prevention program grant account made by section 114(c) of 2002 Senate Bill No. 517, moneys awarded as grants from the prevention program grant account shall be distributed during fiscal year 2003 on the basis of the average amount of prevention grant awards received for the judicial district during fiscal year 2001 and fiscal year 2002 and shall be subject to the requirement that no judicial district shall receive less than \$50,000: *Provided*, That money awarded as grants from the prevention program grant account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes: *Provided further*, That no moneys awarded as grants from the prevention program grant account of the children's initiatives fund shall be distributed according to the percentage distribution of a judicial district's high school graduation failure rate, averaged over a period of three years: *And provided further*, That the provisions of the third proviso to the appropriation from the children's initiatives fund for the fiscal year ending June 30, 2003, in the prevention program grant account made by section 53(c) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(b) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from any moneys appropriated from the state general fund or any special revenue fund for the fiscal year 2003, as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures are encouraged and authorized to be made by the juvenile justice authority from any such moneys appropriated for fiscal year 2003 for the purposes of undertaking such actions as may be permitted under applicable state and federal laws to solicit proposals from and to enter into contracts for pharmaceutical supplies for the Atchison juvenile correctional facility, the Beloit juvenile correctional facility and the Topeka juvenile correctional facility with vendors located within Kansas.

~~Sec. 26.~~~~DEPARTMENT OF HUMAN RESOURCES~~

~~(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 91(e) of 2002 Senate Bill No. 517 on the employment security fund of the above agency for expenditures of moneys made available to the state under section 903 of the federal social security act, as amended, for administration of the unemployment insurance program account is hereby fixed at \$780,251. *Provided*, That no additional expenditures shall be made from this account except upon specific authorization by an act of the legislature. *Provided further*, That the state finance council shall have no authority to approve any additional expenditures or to increase the expenditure limitation on this account.~~

Sec. 27. (a) Notwithstanding the provisions of subsection (a)(1) of section 169 of 2002 Senate Bill No. 517, the .31% lapse of the amount in each account of the state general fund of each state agency that is appropriated or reappropriated for the fiscal year ending June 30, 2002, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature shall not apply to any item of appropriation or reappropriation from the state general fund for fiscal year 2002 for judicial branch agencies.

~~Sec. 28. (a) In addition to the other purposes for which expenditures may be made by each state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 or for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made to manage the operations of the state agency within the approved budgets for the state agency so that no classified state officer or employee is laid off or furloughed from state service on or after the effective date of this act during fiscal year 2002 or fiscal year 2003 for the reason of lack of funding: *Provided*, That for that purpose each such state agency shall (1) make appropriate staffing adjustments and not fill empty positions, (2) authorize classified state officers and employees to voluntarily take leave without pay, and (3) authorize, determine and implement other administrative and management efficiencies to manage any lack of funding or required reductions in expenditures.~~

(b) On and after the effective date of this act, during fiscal year 2002 and fiscal year 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund for fiscal

~~year 2002 or fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, to furlough or layoff any state officer or employee who is a classified state officer or employee, as defined in subsection (d), during fiscal year 2002 or fiscal year 2003: *Provided*, That no state agency shall furlough or layoff any state officer or employee who is a classified state officer or employee, as defined in subsection (d), during fiscal year 2002 or fiscal year 2003.~~

(c) (1) Notwithstanding the other provisions of this section, if the director of the budget certifies to the governor pursuant to K.S.A. 75-6704, and amendments thereto, that the unencumbered ending balance in the state general fund for fiscal year 2002 is less than \$100,000,000, during the period commencing on the date of such certification until the date during fiscal year 2002 that the director of the budget certifies that the ending balance in the state general fund for fiscal year 2002 is equal to or greater than \$100,000,000, if that is so determined by the director of the budget based on the same kinds of considerations and information relied upon for the original certification pursuant to such statute, then, during any such period, the provisions of subsection (b) shall be and are hereby suspended and state agencies may utilize procedures authorized by law and applicable rules and regulations and act to layoff or furlough classified state officers and employees as otherwise provided by law during such period. If, after a certification to the governor pursuant to K.S.A. 75-6704, and amendments thereto, for fiscal year 2002, the director of the budget determines that the unencumbered ending balance in the state general fund for fiscal year 2002 is estimated to be equal to or greater than \$100,000,000, then (1) the director shall certify that determination to the governor, and (2) the provisions of subsection (b) shall be in effect and applicable to all state agencies and state agencies shall not furlough or layoff any classified state officer or employee, subject to a subsequent certification to the governor pursuant to K.S.A. 75-6704, and amendments thereto. For purposes of this section, the director of the budget shall notify all state agencies of each certification to the governor pursuant to K.S.A. 75-6704, and amendments thereto and of each subsequent certification that the unencumbered ending balance in the state general fund for fiscal year 2002 is estimated to be equal to or greater than \$100,000,000.

(2) Notwithstanding the other provisions of this section, if the director of the budget certifies to the governor pursuant to K.S.A. 75-6704, and amendments thereto, that the unencumbered ending balance in the state general fund for fiscal year 2003 is less than \$100,000,000, during the period commencing on the date of such certification until the date during fiscal year 2003 that the director of the budget certifies that the ending balance in the state general fund for fiscal year 2003 is equal to or greater than \$100,000,000, if that is so determined by the director of the budget based on the same kinds of considerations and information relied upon for the original certification pursuant to such statute, then, during any such period, the provisions of subsection (b) shall be and are hereby suspended and state agencies may utilize procedures authorized by law and applicable rules and regulations and act to layoff or furlough classified state officers and employees as otherwise provided by law during such period. If, after a certification to the governor pursuant to K.S.A. 75-6704, and amendments thereto, for fiscal year 2003, the director of the budget determines that the unencumbered ending balance in the state general fund for fiscal year 2003 is estimated to be equal to or greater than \$100,000,000, then (1) the director shall certify that determination to the governor and (2) the provisions of subsection (b) shall be in effect and applicable to all state agencies and state agencies shall not furlough or layoff any classified state officer or employee, subject to a subsequent certification to the governor pursuant to K.S.A. 75-6704, and amendments thereto. For purposes of this section, the director of the budget shall notify all state agencies of each certification to the governor pursuant to K.S.A. 75-6704, and amendments thereto and of each subsequent certification that the unencumbered ending balance in the state general fund for fiscal year 2003 is estimated to be equal to or greater than \$100,000,000.

(d) As used in this section:

- (1) "Classified state officer or employee" means any state officer or employee who is not an unclassified state officer or employee; and
- (2) "unclassified state officer and employee" means (A) each officer and employee in the unclassified service under the Kansas civil service act of a state agency within the executive branch of state government, including all elected officials, (B) each officer and employee in the un-

(continued)

~~classified service under the Kansas civil service act of a state agency within the judicial branch of state government, including all justices of the supreme court, all judges of the court of appeals, all judges of the district courts, the judicial administrator and the judicial chief information technology officer, but excluding all nonjudicial personnel of the judicial branch who are in positions that would be in the classified service act if such positions were with a state agency within the executive branch of state government, as determined by the director of the budget after consulting with the judicial administrator and the director of personnel services, and (C) each officer and employee in the unclassified service under the Kansas civil service act of a state agency within the legislative branch of state government (i) who is a member of the legislature, (ii) who is appointed by the legislative coordinating council or whose compensation is fixed or determined by the legislative coordinating council, or (iii) who is member of the leadership staff in the office of the president of the senate, the speaker of the house of representatives, the vice-president of the senate, the speaker pro tem of the house of representatives, the majority leader of the senate, the majority leader of the house of representatives, the minority leader of the senate, or the minority leader of the house of representatives.~~

Sec. 29. Notwithstanding the provisions of the K.S.A. 77-151 and K.S.A. 2001 Supp. 77-138 and 77-165, and amendments thereto, no state agency shall make expenditures to provide and deliver a full set of hard bound Kansas Statutes Annotated to each member of the legislature: *Provided, however,* That new members of the legislature shall be entitled to receive one full set of hard bound Kansas Statutes Annotated, including any reissued hardbound volumes: *Provided,* That each returning member of the legislature shall receive one set of Kansas Statutes Annotated supplements and any reissued hardbound volumes for the 2003 regular session.

Sec. 30.

**PITTSBURG STATE UNIVERSITY**

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

Operating expenditures (including official hospitality)  
For the fiscal year ending June 30, 2003..... \$190,000

Sec. 31.

**UNIVERSITY OF KANSAS**

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

Fire service training fund  
For the fiscal year ending June 30, 2003..... No limit

Sec. 32.

**INSURANCE DEPARTMENT**

(a) The director of accounts and reports shall not make the transfer of \$7,000,000 from the workers compensation fund of the insurance department to the state general fund on July 1, 2002, or as soon thereafter as moneys are available, as directed by section 74(d) of 2002 Senate Bill No. 517, and the provisions of section 74(d) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(b) On June 30, 2002, the director of accounts and reports shall transfer \$7,000,000 from the workers compensation fund of the insurance department to the state general fund: *Provided,* That the amount transferred from the workers compensation fund of the insurance department to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services: *Provided further,* That the commissioner of insurance shall prepare and submit a workers compensation fund cash-flow analysis to the house committee on appropriations and the senate committee on ways and means during the month of January, 2003.

Sec. 33.

**STATE BOARD OF INDIGENTS' DEFENSE SERVICES**

(a) For the fiscal year ending June 30, 2002, the amount of \$30,673 prescribed by section 32(b) of 2002 Senate Bill No. 517 to be lapsed from the \$13,044,016 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 112(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures

account, shall not be lapsed and the provisions of section 32(b) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(b) For the fiscal year ending June 30, 2002, the amount of \$6,376 prescribed by section 32(c) of 2002 Senate Bill No. 517 to be lapsed from the \$1,373,690 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 112(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the capital defense operations account, shall not be lapsed and the provisions of section 32(c) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

Sec. 34.

**DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES**

(a) For the fiscal year ending June 30, 2002, the amount of \$53,980 prescribed by section 44(m) of 2002 Senate Bill No. 517 to be lapsed from the \$9,398,466 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Kansas neurological institute—operating expenditures account, shall not be lapsed and the provisions of section 44(m) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(b) (1) For the fiscal year ending June 30, 2002, the amount of \$93,547 prescribed by section 44(o) of 2002 Senate Bill No. 517 to be lapsed from the \$9,716,548 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Larned state hospital—operating expenditures account, shall not be lapsed and the provisions of section 44(o) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(2) On the effective date of this act, of the \$9,716,548 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Larned state hospital—operating expenditures account, the sum of \$23,916 is hereby lapsed.

(c) (1) For the fiscal year ending June 30, 2002, the amount of \$53,962 prescribed by section 44(r) of 2002 Senate Bill No. 517 to be lapsed from the \$5,592,630 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Osawatimie state hospital—operating expenditures account, shall not be lapsed and the provisions of section 44(r) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(2) On the effective date of this act, of the \$5,592,630 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Osawatimie state hospital—operating expenditures account, the sum of \$2,596 is hereby lapsed.

(d) For the fiscal year ending June 30, 2002, the amount of \$53,993 prescribed by section 44(u) of 2002 Senate Bill No. 517 to be lapsed from the \$6,201,974 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center—operating expenditures account, shall not be lapsed and the provisions of section 44(u) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(e) (1) For the fiscal year ending June 30, 2002, the amount of \$307,372 prescribed by section 44(v) of 2002 Senate Bill No. 517 to be lapsed from the \$740,473 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Rainbow mental health facility—operating expenditures account, shall not be lapsed and the provisions of section 44(v) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

(2) On the effective date of this act, of the \$740,473 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Rainbow mental health facility—operating expenditures account, the sum of \$290,912 is hereby lapsed.

Sec. 35.

**ADJUTANT GENERAL**

(a) For the fiscal year ending June 30, 2002, the amount of \$8,758 prescribed by section 50(a) of 2002 Senate Bill No. 517 to be lapsed from the \$4,549,979 appropriated for the above agency for the fiscal year end-



ing June 30, 2002, by section 150(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, shall not be lapsed and the provisions of section 50(a) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

Sec. 36.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) For the fiscal year ending June 30, 2002, the amount of \$56,051 prescribed by section 51(a) of 2002 Senate Bill No. 517 to be lapsed from the \$12,462,791 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 154(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, shall not be lapsed and the provisions of section 51(a) of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.

Sec. 37.

STATE FIRE MARSHAL

(a) On July 1, 2002, and on July 1, 2003, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$200,000 from the fire marshal fee fund of the state fire marshal to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the fire marshal fee fund of the state fire marshal to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the fire marshal fee fund of the state fire marshal to the state general fund is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 38.

LEGISLATURE

~~(a) During the fiscal year ending June 30, 2002, expenditures shall be made from any unused portion of the state postage allotment of Representative Carlos Mayans established pursuant to Legislative Coordinating Council policy 38 for the purpose of erecting a flagpole at Hesston college.~~

Sec. 39.

STATE HISTORICAL SOCIETY

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

Kansas humanities council

For the fiscal year ending June 30, 2003..... \$50,000

Sec. 40. (a) On the effective date of this act, the director of accounts and reports shall transfer \$94,608,648 from the state highway fund to the state general fund.

(b) On or before June 30, 2003, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$94,608,648 from the state general fund to the state highway fund: *Provided*, That, at the same time that such 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 the legislative research department.

Sec. 41. (a) On July 1, 2002, the director of accounts and reports shall transfer \$6,000,000 from the Kansas endowment for youth fund of the Kansas public employees retirement system to the state general fund: *Provided*, That, upon receipt of a certification by the director of the budget that the director has determined that, as a last resort, the transfer of such \$6,000,000 to the state general fund is required to be made on or before June 30, 2002, in order to avoid a shortfall in the unencumbered ending balance of the state general fund for fiscal year 2002, the director of accounts and reports shall transfer such \$6,000,000 from the Kansas endowment for youth fund of the Kansas public employees retirement system to the state general fund on or before June 30, 2002, in accordance with such certification from the director of the budget: *Provided further*, That, at the same time that such 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 the legislative research department.

(b) On or before June 30, 2003, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the Kansas endowment for youth fund of

the Kansas public employees retirement system: *Provided*, That, at the same time that such 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 the legislative research department.

Sec. 42. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2002, or June 30, 2003, made in chapter 144 or 216 of the 2001 Session Laws of Kansas or in this act or in any other appropriation act of the 2002 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 43. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund or the state water plan fund or to any account thereof.

Sec. 44. *Savings.* (a) Any unencumbered balance as of June 30, 2002, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2003, for the same use and purpose as the same was heretofore appropriated. This subsection shall not apply to any state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas.

(b) Any unencumbered balance as of June 30, 2002, in any special revenue fund, or account thereof, of any state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas which is not otherwise specifically appropriated or limited for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for fiscal year 2003 for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund or the state water plan fund or any account of any of such funds.

Sec. 45. During the fiscal year ending June 30, 2003, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2002 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2003, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this subsection, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 46. *Federal grants.* (a) During the fiscal year ending June 30, 2003, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2002 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2003, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom. This subsection shall not apply to any state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas.

(b) During the fiscal year ending June 30, 2003, each federal grant or other federal receipt which is received by a state agency named in section 99 of chapter 144 of the 2001 Session Laws of Kansas and which is not otherwise appropriated to that state agency for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, is hereby

(continued)

appropriated for fiscal year 2003 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2003, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2003.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act or other appropriation act of the 2002 regular session of the legislature and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature to apply for and receive federal grants during fiscal year 2003, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 47. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2002 regular session of the legislature, and having an unencumbered balance as of June 30, 2002, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2003, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 48. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2002 regular session of the legislature and having an unencumbered balance as of June 30, 2002, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2003, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 49. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2002 regular session of the legislature and having an unencumbered balance as of June 30, 2002, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2003, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 50. Any transfers of money during the fiscal year ending June 30, 2003, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2003.

Sec. 51. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Office of the Governor

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill No. 363 with my signature approving the bill, except for the items enumerated below.

Attorney General

Microsoft Litigation

Section 2(b) has been line-item vetoed in its entirety.

The constitutional doctrine of separation of powers provides protection to citizens by ensuring that each branch of government is able to carry out its responsibilities without interference from the other branches of government. In Section 2(b) the Legislature is attempting to make a policy decision for the Attorney General.

Legislature

Hesston College Flagpole

Section 38 has been line-item vetoed in its entirety.

It is poor public policy for the Legislature to intrude on the rights of private institutions. If the Kansas Legislature believes that a private Kansas college, which fails to adequately display the U.S. flag, should not receive state funding for student financial aid, then the Legislature should take appropriate action to withhold funding.

Department of Social & Rehabilitation Services

Senior Service Trust Fund Transfers

Section 6(j) and 6(k) have been line-item vetoed in their entirety.

Section 6(j) transfers \$18.5 million from the State General Fund to the Senior Services Trust Fund at the beginning of FY 2003. Section 6(k) transfers \$28.9 million from the State General Fund to the Senior Services Trust Fund at the end of FY 2004. The intent was to use funding from the trust for State General Fund cashflow purposes and replace it to fund a larger pharmacy assistance program in future years. However, the Legislature did not pass a bill to create a new pharmacy assistance program. If such a bill were passed in the future, appropriations to a trust could be made at that time. Therefore, I veto these sections.

Counseling Center Grant

The portion of Section 6(a) that reads as follows has been line-item vetoed:

Youth services aid and assistance

For the fiscal year ending June 30, 2002 ..... \$35,000  
*Provided*, That expenditures shall be made for fiscal year 2002 from the youth services aid and assistance account for a grant in the amount of \$35,000 to the headquarters counseling center in Lawrence, Kansas, which shall be matched on the basis of \$1 for \$1 by the headquarters counseling center.

The section would appropriate \$35,000 from the State General Fund to the Headquarters Counseling Center in Lawrence, Kansas for FY 2002. This grant was not part of the agency budget request submitted in the fall of 2001 and was not discussed during the regular appropriations process earlier in the legislative session. Appropriating a special grant in this manner would allow it to avoid the scrutiny of the budget process that should determine its priority relative to other worthy projects and programs. The bill does not explain the purpose of this grant or the outcomes expected by this program. In short, the Legislature appears to have awarded a non-competitive grant for an unstated or unknown reason. Although the efforts of this center may be worthy of funding, this is not the legitimate means of evaluating or assessing this issue. Because this special treatment is unwarranted, I veto this section.

Department on Aging

Senior Pharmacy Outreach Program

Sections 5(a) and 5(b) have been line-item vetoed in their entirety.

These sections appropriate \$600,000 from the State General Fund for the Senior Pharmacy Outreach Program. The purpose of the program would be to identify and determine which prescription drug plans, whether state-funded or provided through a pharmaceutical company, would give elderly Kansans the best coverage. The funding would cover the cost of one employee at each Area Agency on Aging and one non-FTE unclassified permanent position at the Department on Aging. Although I agree with the need for this service, a new program with this funding is not necessary to provide it. Individual case workers at the Area Agencies on Aging should all be trained to perform this service. The Department on Aging can fund this training through its existing pharmacy assistance program and by securing grants through the charitable trust programs of the pharmaceutical companies. Therefore, I veto this section.

**Commission on Veterans' Affairs**

**Persian Gulf War Health Initiative**

The portion of Section 4(a) that reads as follows has been line-item vetoed:

Operating expenditure—Persian Gulf War health initiative program  
For the fiscal year ending June 30, 2002 ..... \$75,000

*Provided*, That no expenditures shall be made from the operating expenditures—Persian Gulf War health initiative program account if 2002 House Bill No. 2770 is enacted into law: *Provided further*, That no expenditures shall be made during fiscal year 2003 from the operating expenditures—Persian Gulf War health initiative program account unless the Kansas commission on veterans affairs has first presented a detailed budget for such expenditures to the legislative budget committee.

The \$75,000 is intended to fund staff and operating expenses for the continuation of surveys of Persian Gulf War veterans. Over the last five years, a total of \$389,565 has been expended on this initiative. Kansas funded the Persian Gulf War study published in the November 15, 2000 *Journal of Epidemiology*. Results were made available to Kansas Gulf War veterans and to the federal government. The State of Kansas is committed to issues concerning all veterans, and with the completion of the study and publication of the results, the state's limited resources must now be directed to the benefit of all its veterans. I will direct the Kansas Commission on Veterans' Affairs to ensure Persian Gulf War veterans receive timely assistance in filing claims for services with the Federal Veterans Administration.

**Department of Human Resources**

**Unemployment Insurance Federal Funds**

Section 26 has been line-item vetoed in its entirety.

As part of the President's Economic Stimulus Package, the State of Kansas will receive \$78.0 million in funding for its Unemployment Insurance Program. These funds will be deposited in the Kansas Unemployment Insurance Trust Fund and may be used for extended benefits under current appropriation authority. Monies for administration of the program would be available for expenditure by the Kansas Department of Human Resources if the State Finance Council increases the expenditure limitation on that portion of the fund. However, this section of the bill would not allow the State Finance Council to take action to release these administrative monies. As a result, this provision would prevent the funds from being used until the next legislative session. Therefore, I find it necessary to veto this restriction.

**Board of Regents**

**Vocational Education EDIF Funding**

The portion of Section 20(a) that reads as follows has been line-item vetoed:

Vocational education capital outlay aid  
For the fiscal year ending June 30, 2003 ..... \$135,000  
Postsecondary aid for vocational education  
For the fiscal year ending June 30, 2003 ..... \$323,383  
Technology innovation and internship program  
For the fiscal year ending June 30, 2003 ..... \$10,000

Although these provisions may fund worthy causes, over-reliance on EDIF funding jeopardizes flexibility for future governors and legislators.

**Internal State General Fund Transfers**

Section 20(e) has been line-item vetoed in its entirety.

In my original budget recommendations to the 2002 Legislature, I proposed adding a provision that would allow the Board of Regents, with the approval of the Director of the Budget, to transfer State General Fund dollars between institutions of higher education. The purpose of this proviso is to facilitate the movement of funds within the Regents system, especially as the universities function under the new concept of an operating grant in FY 2003. This section nullifies that proviso, which has the effect of taking away the flexibility of moving funds to where they are needed most. Other state agencies have the authority to transfer funds between agencies within their system, such as the Department of Corrections, the Juvenile Justice Authority, and the Department of Social and Rehabilitation Services. Because the Director of the Budget's approval constitutes a check on the Board's use of this proviso, I believe the Board of Regents should have this authority as well. For these reasons, I veto this section.

**All Agencies**

**Prohibition on Furloughs**

Section 28 has been line-item vetoed in its entirety.

This section would effectively prevent state agencies from laying off or furloughing classified state employees during FY 2002 and FY 2003 because of a lack of funding, except when the Director of the Budget has certified to me under KSA 75-6704 that the unencumbered ending balance in the State General Fund is less than \$100.0 million. I veto this provision as an unreasonable intrusion on the executive branch responsibility of state agencies to manage their budgets within the constraints that will already be imposed on them by reduced funding levels. To outline in an appropriations bill specific measures that agencies must follow, such as leaving vacant positions unfilled and implementing management efficiencies, represents micro-managing at its worst. Every agency must have the flexibility to manage the significant funding reductions in the budget passed earlier this session. The provision is also unnecessary because agencies would very likely make every effort to avoid layoffs and furloughs.

**Kansas Sentencing Commission**

Section 12 has been line-item vetoed in its entirety.

In our current tight fiscal situation, it seems imprudent to add positions not necessary to provide essential services to Kansans. Dated May 31, 2002.

Bill Graves  
Governor

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2001 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION			1-14-12a	Revoked	V. 21, p. 770
Reg. No.	Action	Register	1-16-18	Amended	V. 21, p. 146
1-2-31	Amended	V. 21, p. 767	1-18-1a	Amended	V. 20, p. 1602
1-2-42	Amended	V. 21, p. 767	1-45-1	Amended	V. 20, p. 1602
1-2-42a	Amended	V. 21, p. 767	1-45-7	Amended	V. 20, p. 1603
1-2-48	Revoked	V. 21, p. 767	1-45-7a	New	V. 20, p. 1603
1-5-8	Amended	V. 20, p. 730			
1-5-9	Amended	V. 20, p. 730	AGENCY 4: DEPARTMENT OF AGRICULTURE		
1-5-19b	Amended	V. 20, p. 730	Reg. No.	Action	Register
1-5-19c	Amended	V. 20, p. 730	4-3-47	Amended	V. 20, p. 861
1-5-20	Amended	V. 20, p. 731	4-3-49	Amended	V. 20, p. 861
1-5-22	Amended	V. 21, p. 767	4-3-51	New	V. 20, p. 861
1-5-29	Amended	V. 21, p. 767	4-10-2j	Amended	V. 20, p. 431
1-6-3	Amended	V. 21, p. 767	4-10-5	Amended	V. 20, p. 430
1-6-21	Amended	V. 21, p. 768	4-10-5a	New	V. 20, p. 431
1-6-26a	New	V. 21, p. 768	4-25-2		
1-9-4	Amended	V. 21, p. 768	through		
1-9-5	Amended	V. 21, p. 769	4-25-18	New	V. 21, p. 232-235
1-11-1	Amended	V. 21, p. 770			(continued)

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-15-1 through		
5-15-4	New (T)	V. 21, p. 690-692
5-25-4	Amended	V. 20, p. 294

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-17-1 through		
7-17-24	New	V. 20, p. 1524-1528
7-19-1 through		
7-19-7	Revoked	V. 20, p. 1528
7-24-2	Amended	V. 20, p. 323
7-25-1	Amended	V. 20, p. 325
7-26-1	Amended	V. 20, p. 325
7-26-2	Amended	V. 20, p. 325
7-28-1	Amended	V. 20, p. 325
7-29-2	Amended	V. 20, p. 325
7-36-4	Amended	V. 20, p. 326
7-38-1	Amended	V. 20, p. 326
7-39-1	Amended	V. 20, p. 1566
7-41-1 through		
7-41-13	New	V. 20, p. 1021-1023

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-7-19	New (T)	V. 20, p. 934
9-7-19	New	V. 21, p. 265
9-10-33	New	V. 20, p. 1393
9-10-33a	New	V. 20, p. 1393
9-18-1	Amended (T)	V. 20, p. 1567
9-22-4	New (T)	V. 20, p. 1567
9-22-5	New (T)	V. 20, p. 1568
9-29-12 through		
9-29-15	New	V. 21, p. 26, 27

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-12-1	Amended	V. 21, p. 454
10-13-1	Amended	V. 21, p. 454
10-20-2a	New	V. 21, p. 454
10-21-1 through		
10-21-6	Amended	V. 21, p. 454-456

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-7-1 through		
16-7-9	Revoked	V. 20, p. 1920

**AGENCY 17: STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-11-14	Amended	V. 21, p. 18
17-11-18	Amended	V. 21, p. 18
17-11-19	Amended	V. 21, p. 18
17-11-21	Amended	V. 21, p. 18
17-16-2	Amended	V. 21, p. 19
17-23-1	Amended	V. 21, p. 19
17-23-3	Amended	V. 21, p. 21
17-23-6	Amended	V. 21, p. 21
17-23-8	Amended	V. 21, p. 21
17-23-9	Amended	V. 21, p. 22
17-23-11	Amended	V. 21, p. 23
17-23-14	Amended	V. 21, p. 25
17-23-15	Revoked	V. 21, p. 26
17-24-2	Amended	V. 20, p. 1847
17-24-3	New	V. 21, p. 212

**AGENCY 20: CRIME VICTIMS COMPENSATION BOARD**

Reg. No.	Action	Register
20-8-1 through		
20-8-4	Revoked	V. 20, p. 1921
20-10-1	Revoked	V. 20, p. 1921
20-10-2	Revoked	V. 20, p. 1921
20-11-1	Revoked	V. 20, p. 1921
20-11-2	Revoked	V. 20, p. 1921
20-13-2	Revoked	V. 20, p. 1921
20-13-3	Revoked	V. 20, p. 1921

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**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-24-1 through		
22-24-18	New (T)	V. 20, p. 1724-1727
22-24-1 through		
22-24-18	New	V. 21, p. 147-150

**AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
23-1-11	Revoked	V. 20, p. 1061
23-8-27	Revoked	V. 20, p. 1061

**AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT (By Department of Agriculture)**

Reg. No.	Action	Register
25-1-3 through		
25-1-6	Revoked	V. 21, p. 235, 236
25-1-12	Revoked	V. 21, p. 236
25-1-15	Revoked	V. 21, p. 236
25-1-19 through		
25-1-28	Revoked	V. 21, p. 236
25-2-4	Revoked	V. 21, p. 236
25-3-2 through		
25-3-6	Revoked	V. 21, p. 236
25-3-8	Revoked	V. 21, p. 236
25-3-10 through		
25-3-13	Revoked	V. 21, p. 236
25-3-15	Revoked	V. 21, p. 236
25-3-16	Revoked	V. 21, p. 236
25-3-17	Revoked	V. 21, p. 236
25-4-4	Revoked	V. 21, p. 236
25-5-1	Revoked	V. 21, p. 236

**AGENCY 26: DEPARTMENT ON AGING**

Reg. No.	Action	Register
26-1-1	Amended	V. 21, p. 743
26-1-4	Revoked	V. 21, p. 745
26-1-5	Amended	V. 21, p. 745
26-2-4	Amended	V. 21, p. 745
26-3-2	Revoked	V. 21, p. 745
26-5-1	Revoked	V. 21, p. 745
26-5-6	Amended	V. 21, p. 745
26-11-1	New (T)	V. 20, p. 1895
26-11-2	New (T)	V. 20, p. 1895
26-11-3	New (T)	V. 20, p. 1895

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-4-269	Amended (T)	V. 21, p. 497
28-4-331	Amended (T)	V. 21, p. 498
28-4-351	Amended (T)	V. 21, p. 500
28-4-576 through		
28-4-596	New (T)	V. 21, p. 597-616
28-10-15 through		
28-10-35	Revoked	V. 20, p. 322
28-10-37	Revoked	V. 20, p. 322
28-10-38	Revoked	V. 20, p. 322
28-10-39	Revoked	V. 20, p. 322
28-10-75 through		
28-10-88	Revoked	V. 20, p. 322
28-10-100 through		
28-10-108	Revoked	V. 20, p. 322
28-15-35	Amended	V. 20, p. 725
28-15-36	Amended	V. 20, p. 728
28-15-36a	Amended	V. 20, p. 728
28-15-37	Amended	V. 20, p. 729
28-16-28b through		
28-16-28e	Amended	V. 20, p. 1264-1270
28-16-30 through		
28-16-36	Amended	V. 20, p. 1277-1279
28-16-57	Revoked	V. 20, p. 322
28-16-58	Amended	V. 20, p. 1279
28-16-60	Amended	V. 20, p. 1280
28-16-76 through		
28-16-79	Revoked	V. 20, p. 322

28-16-82	Revoked	V. 20, p. 322
28-17-6	Amended	V. 20, p. 1523
28-19-79	Revoked	V. 20, p. 492
28-19-202	Amended	V. 20, p. 322
28-19-719	New	V. 20, p. 492
28-29-18	Revoked	V. 21, p. 310
28-29-29	Amended	V. 21, p. 310
28-29-2201	New	V. 21, p. 310
28-34-1a	Amended	V. 20, p. 1755
28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
28-34-21	Revoked	V. 20, p. 323
28-34-26	Revoked	V. 20, p. 323
28-34-27	Revoked	V. 20, p. 323
28-34-28	Revoked	V. 20, p. 323
28-34-30	Revoked	V. 20, p. 323
28-34-32b	Amended	V. 20, p. 107
28-34-50	Amended	V. 20, p. 453
28-34-51	Amended	V. 20, p. 454
28-34-52	Revoked	V. 20, p. 455
28-34-52a	New	V. 20, p. 455
28-34-52b	New	V. 20, p. 455
28-34-53	Amended	V. 20, p. 456
28-34-54	Amended	V. 20, p. 456
28-34-55	Revoked	V. 20, p. 457
28-34-55a	New	V. 20, p. 457
28-34-56	Revoked	V. 20, p. 457
28-34-56a	New	V. 20, p. 457
28-34-57	Amended	V. 20, p. 457
28-34-58	Revoked	V. 20, p. 458
28-34-58a	New	V. 20, p. 458
28-34-59	Revoked	V. 20, p. 459
28-34-59a	New	V. 20, p. 459
28-34-60	Revoked	V. 20, p. 459
28-34-60a	New	V. 20, p. 459
28-34-61	Revoked	V. 20, p. 460
28-34-61a	New	V. 20, p. 460
28-34-62a	Amended	V. 20, p. 460
28-34-75 through		
28-34-93	Revoked	V. 20, p. 323
28-34-94a	Revoked	V. 20, p. 323
28-36-30	Amended (T)	V. 20, p. 1122
28-36-30	Amended	V. 20, p. 1675
28-36-60	New (T)	V. 20, p. 1122
28-36-60	New	V. 20, p. 1675
28-36-120	New (T)	V. 20, p. 1122
28-36-120	New	V. 20, p. 1675
28-39-144	Amended	V. 20, p. 1756
28-39-155	Amended	V. 20, p. 1758
28-39-410	Revoked	V. 20, p. 323
28-55-3	Amended	V. 21, p. 311
28-55-5	Amended	V. 21, p. 311
28-59-1 through		
28-59-5	Amended	V. 20, p. 295, 296
28-59-5a	Amended	V. 20, p. 297
28-59-6	Amended	V. 20, p. 297
28-59-7	Amended	V. 20, p. 298
28-59-8	Amended	V. 20, p. 298
28-61-1 through		
28-61-10	Amended	V. 20, p. 298-303
28-61-11	New	V. 20, p. 304

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-64	Amended	V. 20, p. 490
30-5-58	Amended	V. 20, p. 1023
30-5-64	Amended	V. 20, p. 1393
30-5-76	Amended	V. 20, p. 1846
30-5-92	Amended	V. 20, p. 1029
30-5-94	Amended	V. 20, p. 1030
30-5-100	Amended	V. 20, p. 1846
30-5-108	Amended	V. 20, p. 491
30-6-89	New	V. 20, p. 1394
30-6-94	Amended	V. 21, p. 506
30-10-1a	Amended	V. 21, p. 506
30-10-2	Amended	V. 21, p. 508
30-10-7	Amended	V. 21, p. 509
30-12-16 through		
30-12-22	Revoked	V. 21, p. 331
30-13-17 through		
30-13-26	Revoked	V. 21, p. 331
30-64-20	Amended	V. 21, p. 80
30-64-22	Amended	V. 21, p. 80
30-64-23	Amended	V. 21, p. 80

30-64-30	Amended	V. 21, p. 81
30-64-31	Amended	V. 21, p. 81
30-64-32	Amended	V. 21, p. 82
30-64-34	Revoked	V. 21, p. 82

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-8	Revoked	V. 20, p. 946
40-1-13	Revoked	V. 20, p. 946
40-1-30	Revoked	V. 20, p. 723
40-1-37	Amended	V. 20, p. 1343
40-1-42	Amended	V. 20, p. 723
40-1-43	Amended	V. 21, p. 451
40-1-43	Amended (T)	V. 20, p. 1896
40-1-46	Amended	V. 21, p. 212
40-1-47	New	V. 21, p. 588
40-1-48	New	V. 20, p. 1868
40-2-22	Revoked	V. 21, p. 589
40-3-29	Revoked	V. 20, p. 946
40-4-35	Amended	V. 20, p. 1307
40-4-37	Amended	V. 21, p. 741
40-4-37s	New	V. 21, p. 743
40-4-41	Amended	V. 20, p. 946
40-4-41b		
through		
40-4-41g	Amended	V. 20, p. 949-953
40-4-41h	New	V. 20, p. 953
40-4-41i	New	V. 20, p. 954
40-4-41j	New	V. 20, p. 954
40-5-106	Revoked	V. 20, p. 1161
40-5-111	Revoked	V. 20, p. 1161
40-7-6	Revoked	V. 20, p. 1161
40-9-100	Amended	V. 20, p. 954
40-12-1	Revoked	V. 20, p. 723

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-4-103	Revoked	V. 21, p. 309
44-4-104	Revoked	V. 21, p. 309
44-4-106		
through		
44-4-109	Revoked	V. 21, p. 309
44-5-101	Revoked	V. 21, p. 309
44-5-103	Revoked	V. 21, p. 309
44-5-107		
through		
44-5-110	Revoked	V. 21, p. 309
44-5-113	Revoked	V. 21, p. 309
44-5-114	Revoked	V. 21, p. 309
44-7-102	Revoked	V. 21, p. 309
44-7-103	Revoked	V. 21, p. 309
44-7-105	Revoked	V. 21, p. 309
44-7-106	Revoked	V. 21, p. 309
44-7-107	Revoked	V. 21, p. 309
44-7-109	Revoked	V. 21, p. 309
44-7-112	Revoked	V. 21, p. 309
44-7-114	Revoked	V. 21, p. 309
44-7-115	Revoked	V. 21, p. 309
44-7-116	Revoked	V. 21, p. 309
44-8-110		
through		
44-8-114	Revoked	V. 21, p. 309
44-11-111	Amended	V. 21, p. 335
44-11-112	Revoked	V. 21, p. 336
44-11-113	Amended	V. 21, p. 336
44-11-114	Revoked	V. 21, p. 336
44-11-115	Revoked	V. 21, p. 336
44-11-119	Amended	V. 21, p. 336
44-11-120	Amended	V. 21, p. 336
44-11-121	Amended	V. 21, p. 337
44-11-122	Revoked	V. 21, p. 337
44-11-123	Amended	V. 21, p. 337
44-11-124	Revoked	V. 21, p. 337
44-11-127	Amended	V. 21, p. 337
44-11-129	Amended	V. 21, p. 338
44-11-130	Amended	V. 21, p. 338
44-11-131	Amended	V. 21, p. 339
44-11-132	Amended	V. 21, p. 339
44-11-133	Amended	V. 21, p. 339
44-11-135	Amended	V. 21, p. 339
44-12-103	Amended	V. 21, p. 117
44-12-105	Amended	V. 21, p. 117
44-12-106	Amended	V. 21, p. 117
44-12-107	Amended	V. 21, p. 117
44-12-201		
through		
44-12-205	Amended	V. 21, p. 118
44-12-210	Amended	V. 21, p. 118
44-12-303	Amended	V. 21, p. 118

44-12-305	Amended	V. 21, p. 118
44-12-306	Amended	V. 21, p. 119
44-12-307	Amended	V. 21, p. 119
44-12-309	Amended	V. 21, p. 119
44-12-310	Amended	V. 21, p. 119
44-12-312	Amended	V. 21, p. 119
44-12-313	Amended	V. 21, p. 119
44-12-314	Amended	V. 21, p. 119
44-12-318	Amended	V. 21, p. 120
44-12-320	Revoked	V. 21, p. 120
44-12-321	Amended	V. 21, p. 120
44-12-325	Amended	V. 21, p. 120
44-12-326	Revoked	V. 21, p. 120
44-12-327	Amended	V. 21, p. 120
44-12-328	Amended	V. 21, p. 120
44-12-401	Amended	V. 21, p. 120
44-12-501	Amended	V. 21, p. 121
44-12-503	Amended	V. 21, p. 121
44-12-504	Amended	V. 21, p. 121
44-12-505b	Amended	V. 21, p. 121
44-12-601	Amended	V. 21, p. 121
44-12-602	Amended	V. 21, p. 123
44-12-702	Amended	V. 21, p. 123
44-12-801	Amended	V. 21, p. 123
44-12-902	Amended	V. 21, p. 123
44-12-1002	Amended	V. 21, p. 123
44-12-1306	Amended	V. 21, p. 123
44-12-1307	Amended	V. 21, p. 124
44-13-101	Amended	V. 21, p. 151
44-13-104	Revoked	V. 21, p. 151
44-13-105	Amended	V. 21, p. 151
44-13-106	Amended	V. 21, p. 151
44-13-201	Amended	V. 21, p. 152
44-13-201b	Amended	V. 21, p. 153
44-13-202	Amended	V. 21, p. 153
44-13-302a	Revoked	V. 21, p. 153
44-13-304	Revoked	V. 21, p. 153
44-13-306	New	V. 21, p. 154
44-13-307	New	V. 21, p. 154
44-13-401	Amended	V. 21, p. 154
44-13-401a	Revoked	V. 21, p. 154
44-13-402	Amended	V. 21, p. 154
44-13-403	Amended	V. 21, p. 155
44-13-404	Amended	V. 21, p. 156
44-13-405a	Amended	V. 21, p. 157
44-13-406	Amended	V. 21, p. 158
44-13-408	Amended	V. 21, p. 158
44-13-409	Amended	V. 21, p. 158
44-13-501	Amended	V. 21, p. 158
44-13-502a	Amended	V. 21, p. 158
44-13-506		
through		
44-13-509	Amended	V. 21, p. 158, 159
44-13-601	Amended	V. 21, p. 159
44-13-603	Amended	V. 21, p. 159
44-13-610	Amended	V. 21, p. 159
44-13-701		
through		
44-13-704	Amended	V. 21, p. 159, 160
44-13-705	Revoked	V. 21, p. 161
44-13-706	Amended	V. 21, p. 161
44-13-707	Amended	V. 21, p. 161
44-14-101	Revoked	V. 21, p. 83
44-14-102	Revoked	V. 21, p. 83
44-14-201	Revoked	V. 21, p. 83
44-14-202	Revoked	V. 21, p. 83
44-14-301		
through		
44-14-318	Revoked	V. 21, p. 83
44-15-101	Amended	V. 21, p. 84
44-15-101a	Amended	V. 21, p. 84
44-15-102	Amended	V. 21, p. 85
44-15-201	Amended	V. 21, p. 86
44-16-102	Amended	V. 21, p. 86
44-16-103	Revoked	V. 21, p. 86
44-16-104	Revoked	V. 21, p. 86
44-16-105	Amended	V. 21, p. 86
44-16-106	Revoked	V. 21, p. 86
44-16-107	Revoked	V. 21, p. 86
44-16-108	Revoked	V. 21, p. 86

**AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138
50-1-4	Amended	V. 20, p. 138
50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140

50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143
50-3-1		
through		
50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

**AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-7	Amended	V. 20, p. 1755

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-2-101	Amended	V. 21, p. 840
60-3-106	Amended	V. 21, p. 840
60-3-111	Amended	V. 20, p. 1522
60-4-101	Amended	V. 20, p. 449
60-4-103	Amended	V. 21, p. 841
60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449
60-9-105	Amended	V. 20, p. 449
60-9-106	Amended	V. 20, p. 450
60-11-116	Amended	V. 21, p. 316
60-11-119	Amended	V. 20, p. 451
60-12-106	Amended	V. 20, p. 1522
60-13-101	Amended	V. 20, p. 451
60-13-103	Amended	V. 21, p. 316
60-13-110	Amended	V. 21, p. 317
60-13-112	Amended	V. 20, p. 1523
60-16-101	Amended	V. 21, p. 841
60-16-103	Amended	V. 21, p. 842
60-16-104	Amended	V. 21, p. 842

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-4-3	Amended	V. 21, p. 183
65-8-5	New	V. 20, p. 944

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-23	New	V. 21, p. 659
63-3-22	New	V. 21, p. 659
63-3-23	New	V. 21, p. 659
63-4-1	Amended	V. 21, p. 659
63-7-1		
through		
63-7-8	New	V. 21, p. 660-662

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 20, p. 1647
66-6-4	Amended	V. 20, p. 1647
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 1648
66-10-13	Amended	V. 20, p. 1648
66-14-5	Amended	V. 20 pp. 1649
66-14-10	Amended	V. 20, p. 104

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1a	Amended	V. 21, p. 746
68-1-1e	Revoked	V. 21, p. 308
68-1-2a	Amended	V. 21, p. 746
68-1-3	Revoked	V. 21, p. 308
68-1-3a	Amended	V. 21, p. 746
68-2-5	Amended	V. 21, p. 308
68-9-1	Amended	V. 21, p. 308
68-9-2	New	V. 20, p. 1020

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-3a	Amended	V. 20, p. 1650
74-4-4	Amended	V. 20, p. 1650
74-4-8	Amended	V. 20, p. 1650
74-5-2	Amended	V. 20, p. 1651
74-5-202	Amended	V. 20, p. 1652
74-5-205	Amended	V. 20, p. 1652
74-5-302	Amended	V. 20, p. 1652
74-5-404a	Amended	V. 20, p. 1652
74-7-3	New	V. 20, p. 1652

(continued)

74-11-6 Amended V. 20, p. 1653  
 74-11-7 Amended V. 20, p. 1653  
 74-11-8 through  
 74-11-14 Revoked V. 20, p. 1653  
 74-11-15 New V. 20, p. 1653  
 74-12-1 Amended V. 20, p. 1654

AGENCY 75: STATE BANKING DEPARTMENT

Reg. No. Action Register  
 75-6-32 New V. 20, p. 175

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Reg. No. Action Register  
 80-5-19 through  
 80-5-22 New V. 20, p. 1649, 1650  
 80-9-1 New V. 20, p. 1650  
 80-9-2 New V. 20, p. 1650

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No. Action Register  
 81-3-1 Amended V. 20, p. 1604  
 81-3-2 Amended V. 20, p. 1606  
 81-3-3 Revoked V. 20, p. 1606  
 81-3-5 New V. 20, p. 1606  
 81-4-3 Revoked V. 20, p. 1607  
 81-5-7 Amended V. 20, p. 1607  
 81-14-1 through  
 81-14-8 New V. 20, p. 1607-1617

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No. Action Register  
 82-1-250 New V. 20, p. 1094  
 82-3-111 Amended V. 21, p. 43  
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 82-4-26a New (T) V. 20, p. 1723  
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 94-2-20 New V. 21, p. 708  
 94-3-1 Amended V. 21, p. 709  
 94-3-2 Amended V. 21, p. 709  
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 99-8-9 Revoked V. 21, p. 12  
 99-9-1 Revoked V. 21, p. 12  
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 99-40-47 Revoked V. 21, p. 17  
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 99-40-104 Revoked V. 21, p. 18  
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 100-27-1 Amended V. 21, p. 307  
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100-60-1	Revoked	V. 20, p. 778
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100-60-4	Revoked (T)	V. 20, p. 251
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through		
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102-1-19	New	V. 20, p. 572
102-1-20	New	V. 20, p. 1900
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
102-2-15	New	V. 20, p. 572
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109-10-1	Amended	V. 20, p. 1677
109-11-10	New	V. 20, p. 1679

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110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180
110-7-1		
through		
110-7-4	Revoked	V. 20, p. 1426
110-7-5	New	V. 20, p. 1426
110-7-6	New	V. 20, p. 1426
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A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

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111-2-124	Amended	V. 21, p. 590
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
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111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
111-2-135	New	V. 21, p. 590
111-2-136	New	V. 21, p. 590
111-2-137	New	V. 21, p. 649
111-2-138	New	V. 21, p. 692
111-2-139	New	V. 21, p. 747
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1795		
through		
111-4-1813	New	V. 20, p. 40-47
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111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814		
through		
111-4-1823	New	V. 20, p. 419-427

111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825		
through		
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
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through		
111-4-1844	New	V. 20, p. 1096-1100
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through		
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854		
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111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1867	Amended	V. 20, p. 1601
111-4-1869	Amended	V. 20, p. 1601
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572
111-4-1874		
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111-4-1877	New	V. 20, p. 1779-1781
111-4-1877	Amended	V. 20, p. 1902
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111-4-1885	New	V. 20, p. 1902-1906
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111-4-1889	New	V. 21, p. 183-185
111-4-1890		
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111-4-1893	New	V. 21, p. 591-593
111-4-1894		
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111-4-1921	New	V. 21, p. 692-702
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111-4-1923	New	V. 21, p. 749
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111-5-27	Amended	V. 20, p. 429
111-5-78	Amended	V. 21, p. 751
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111-7-127	Amended	V. 21, p. 594-597
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
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111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
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111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194
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111-7-175	New	V. 20, p. 1782, 1783
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111-7-180	New	V. 21, p. 656, 657
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111-8-126	New	V. 20, p. 1573-1579
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111-9-112	Amended	V. 20, p. 1579
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112-10-3	Amended	V. 20, p. 1728
112-10-6	Amended	V. 20, p. 1728
112-11-20	Amended	V. 20, p. 945
112-17-4	Amended	V. 20, p. 1729
112-18-11	Amended	V. 20, p. 1922

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115-2-6	Amended	V. 21, p. 451
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	Amended	V. 21, p. 452
115-4-5	Revoked	V. 20, p. 769
115-4-7		
through		
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-8-1	Amended	V. 20, p. 1061
115-8-4	Amended	V. 20, p. 1500
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115-8-21	Amended	V. 20, p. 1062
115-9-4	Amended	V. 21, p. 177
115-11-1	Amended	V. 21, p. 177
115-11-2	Amended	V. 21, p. 177
115-13-1	Amended	V. 20, p. 1500
115-13-2	Amended	V. 20, p. 1500
115-13-5	Amended	V. 20, p. 1501
115-14-2	Amended	V. 20, p. 1501
115-14-3	Amended	V. 20, p. 1502
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115-14-6	Amended	V. 20, p. 1502
115-14-7	Revoked	V. 20, p. 1502
115-14-9	Amended	V. 20, p. 1502
115-14-10	Amended	V. 20, p. 1503
115-18-5	Revoked	V. 20, p. 1504
115-18-7	Amended	V. 21, p. 453
115-18-8	Amended	V. 20, p. 1504
115-18-9	Amended	V. 20, p. 1504
115-18-14	Amended	V. 20, p. 1504
115-18-17	New	V. 20, p. 1062
115-20-1	Amended	V. 20, p. 1063
115-20-2	Amended	V. 20, p. 1063
115-21-1	Amended	V. 20, p. 1803
115-21-2	Amended	V. 20, p. 1804
115-21-3	Revoked	V. 20, p. 1804
115-21-4	New	V. 20, p. 1804
115-22-1	New	V. 20, p. 1804

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Reg. No.	Action	Register
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117-6-3	Amended	V. 20, p. 862
117-6-4	New	V. 20, p. 863
117-7-1	Amended	V. 20, p. 863
117-8-1	Amended	V. 21, p. 659

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Reg. No.	Action	Register
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118-5-10	New (T)	V. 20, p. 1492-1495

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Reg. No.	Action	Register
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through		
125-1-9	New (T)	V. 20, p. 1496-1498
125-1-1		
through		
125-1-9	New	V. 20, p. 1891-1893

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