

# Journal of the House

SIXTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, May 10, 2006, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 119 members present.  
Reps. Kiegerl and Krehbiel were excused on verified illness.  
Reps. Bethell, Carter, Edmonds and O'Malley were excused on excused absence by the Speaker.

Prayer by Rep. D. Johnson:

Great and Glorious Lord God! Supreme architect of heaven and earth!  
You have promised when two or three are gathered together in your name,  
you will be in the midst of them and bless them.

Bless us with your grace as we gather together here in this beautiful place,  
this beautiful place called Kansas. May you hold your servants Bob and John  
in your fatherly hand and support them with your healing grace.

Defend our liberties, and fashion into one united people this nation, the  
United States of America, the greatest nation on earth.

Endue with the spirit of wisdom those of us whom in your name we entrust  
the authority of government, that there may be justice and peace and that  
government of the people, by the people and for the people does not perish  
from the earth.

In the time of prosperity, fill our hearts with thankfulness, and in the day  
of trouble, suffer not our trust in you to fail.

May your fatherly hand be ever about those brave young men and women  
in harm's way defending our country and our way of life.

Help us to work together to make Kansas a better place to raise our fam-  
ilies, earn a living and live productive lives.

Teach us to love one another as much as you love us.

All this we ask in the name of the Father, the Son, and the Holy Spirit.  
Amen!

The Pledge of Allegiance was led by Rep. Hayzlett

## MESSAGE FROM THE GOVERNOR

**HB 2710, HB 3005** approved on May 10, 2006.

## MESSAGES FROM THE SENATE

The Senate adopts conference committee report on **SB 549**.

Also, the Senate accedes to the request of the House for a conference on **HB 2118** and has appointed Senators Huelskamp, Wilson and Betts as third conferees on the part of the Senate.

On motion of Rep. Aurand, the House recessed until 11:00 a.m.

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### LATE MORNING SESSION

The House met pursuant to recess with Speaker Mays in the chair.

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

The motion of Rep. Gatewood, in accordance with House Rule 1503 (b), that **SB 384** be changed to the first measure under the order of business General Orders, was considered.

The motion of Rep. Gatewood did not prevail, and **SB 384** remains on the calendar.

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

The motion of Rep. Huebert, in accordance with House Rule 1503 (b), that **HR 6020** be changed to the second measure under the order of business General Orders, was considered.

The motion of Rep. Huebert did not prevail, and **HR 6020** remains on the calendar.

The House stood at ease until the sound of the gavel.

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Speaker Mays called the House to order.

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

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### AFTERNOON SESSION

The House met pursuant to recess with Speaker Mays in the chair.

#### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 142**.

The Senate adopts conference committee report on **H. Sub. for SB 180**.

The Senate adopts conference committee report on **HB 2118**.

The Senate adopts conference committee report on **HB 2583**.

#### CHANGE OF CONFEREES

Speaker Mays announced the appointment of Rep. Schwab as a member of the conference committee on **SB 260** to replace Rep. Huntington; also, the appointment of Rep. Dahl to replace Rep. Gordon.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2118**, submits the following report:

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

On page 1, by striking all in lines 39 through 43;

By striking all on pages 2, 3, 4 and 5 and inserting new material to read as follows:

“Section 1. Section 3 of 2006 Senate Bill No. 418 is hereby amended to read as follows:

Sec. 3. (a) On and after January 1, 2007, the attorney general shall issue licenses to carry concealed weapons to persons qualified as provided by this act. Such licenses shall be valid throughout the state for a period of four years from the date of issuance.

(b) The license, at the option of the licensee: (1) Shall be a separate card, in a form prescribed by the attorney general, that is approximately the size of a Kansas driver's license and shall bear the licensee's signature, name, address, date of birth and driver's license number or nondriver's identification card number; or (2) shall be noted on the licensee's valid Kansas driver's license or valid Kansas nondriver's identification license or card. At all

times when the licensee is in actual possession of a concealed weapon, the licensee shall carry the license to carry concealed weapons or a valid Kansas driver's license or Kansas nondriver's identification card with the license to carry a concealed weapon noted thereon, which shall constitute the license to carry a concealed weapon. On demand of a law enforcement officer, the licensee shall display the license to carry a concealed weapon and proper identification ~~unless or, if~~ such license is noted on the person's driver's license or nondriver's identification card, *shall display such driver's license or nondriver's identification card*. Verification by a law enforcement officer that a person holds a valid license to carry a concealed weapon may be accomplished by a record check using the person's ~~vehicle tag and driver's license information.~~

~~Violation of the provisions of this subsection shall constitute a class B nonperson misdemeanor.~~

*The license of any person who violates the provisions of this subsection shall be suspended for not less than 30 days upon the first violation and shall be revoked for not less than five years upon the second or a subsequent violation.*

(c) A valid license, issued by any other state or the District of Columbia, to carry concealed weapons shall be recognized as valid in this state, but only while the holder is not a resident of Kansas, if the attorney general determines that standards for issuance of such license or permit by such state or district are equal to or greater than the standards imposed by this act. The attorney general shall maintain and publish a list of such states and district which the attorney general determines have standards equal to or greater than the standards imposed by this act.

The provisions of this subsection shall take effect and be in force from and after January 1, 2007.

Sec. 2. Section 4 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 4. (a) On and after January 1, 2007, the attorney general shall issue a license pursuant to this act if the applicant:

(1) Is a resident of the county where application for licensure is made and has been a resident of the state for six months or more immediately preceding the filing of the application, *residency to be determined in accordance with K.S.A. 77-201, and amendments thereto;*

(2) is 21 years or more of age;

(3) does not suffer from a physical infirmity which prevents the safe handling of a weapon;

(4) has never been convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult;

(5) has not been, during the five years immediately preceding the date the application is submitted: (A) ~~A mentally ill person or involuntary patient, as defined in K.S.A. 59-2946, and amendments thereto;~~ (B) ~~committed for the abuse of a controlled substance;~~ (C) ~~Convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony or misdemeanor under the provisions of the uniform controlled substances act or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor under such act if committed by an adult;~~ (D) ~~committed for the abuse of alcohol;~~ (E) (B) convicted or placed on diversion, in this or any other jurisdiction, two or more times for an act that constitutes a violation of K.S.A. 8-1567, and amendments thereto; (F) (C) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a domestic violence misdemeanor under any municipal ordinance or article 34 or 35 of chapter 21 of the Kansas Statutes Annotated or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a domestic violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if committed by an adult; or (G) (D) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a violation of section 12 of 2006 Senate Bill No. 418, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a violation of section 12 of 2006 Senate Bill No. 418, and amendments thereto,

or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed by an adult;

~~(6)~~ *has not been charged with a crime which would render the applicant, if convicted, ineligible for a license or, if so charged, final disposition of the charge has occurred and no other charges are pending which would cause the applicant to be ineligible for a license;*

~~(7)~~ *has not been ordered by a court to receive treatment for mental illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and amendments thereto, or, if a court has ordered such treatment, has not been issued a certificate of restoration pursuant to section 12, and amendments thereto, not less than five years before the date of the application;*

(8) *desires a legal means to carry a concealed weapon for lawful self-defense;*

~~(9)~~ *except as provided by subsection ~~(f)~~ (g) of section 5 of 2006 Senate Bill No. 418, and amendments thereto, presents evidence satisfactory to the attorney general that the applicant has satisfactorily completed a weapons safety and training course approved by the attorney general pursuant to subsection (b);*

~~(10)~~ *has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted;*

~~(11)~~ *has not been dishonorably discharged from military service;*

~~(12)~~ *is a citizen of the United States;*

~~(13)~~ *is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or pursuant to K.S.A. 60-1607, 38-1542, 38-1543 or 38-1563, and amendments thereto, or any equivalent order entered in another state or jurisdiction which is entitled to full faith and credit in Kansas; and*

~~(14)~~ *is not in contempt of court in a child support proceeding.*

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour weapons safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of weapons, actual firing of weapons and instruction in the laws of this state governing the carrying of a concealed weapon and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic firearms training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A weapons course certified or sponsored by the attorney general; or (ii) a weapons course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or weapons training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. *Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.*

(2) The cost of the weapons safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved weapons safety and training course: (A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general; or (B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant.

(c) In addition to the requirements of subsection (a), a person holding a license pursuant to this act, prior to renewal of the license provided herein, shall submit evidence satisfactory to the attorney general that the licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course under subsection (b).

Sec. 3. Section 5 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 5. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

(1) The name, address, social security number, *Kansas driver's license number or Kansas nondriver's license identification number*, place and date of birth; and occupation of the applicant;

(2) a statement that the applicant is in compliance with criteria contained within section 4 of 2006 Senate Bill No. 418, and amendments thereto;

(3) a waiver of the confidentiality of such mental health and medical records as necessary to determine the applicant's qualifications under subsection (a) ~~(5)~~ (7) of section 4 of 2006 Senate Bill No. 418, and amendments thereto;

(4) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(5) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 21-3805, and amendments thereto; and

(6) a statement that the applicant desires a concealed weapon license as a means of lawful self-defense.

(b) The applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours:

(1) A completed application described in subsection (a);

(2) except as provided by subsection ~~(f)~~ (g), a nonrefundable license fee ~~not to exceed of~~ \$150, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, *which fee shall be in the form of two cashier checks or money orders of \$40 payable to the sheriff of the county where the applicant resides and \$110 payable to the attorney general*;

(3) a photocopy of a certificate or an affidavit or document as described in subsection (b) of section 4 of 2006 Senate Bill No. 418, and amendments thereto; and

(4) a full frontal view photograph of the applicant taken within the preceding 30 days.

(c) (1) The sheriff, upon receipt of the items listed in subsection (b) of this section or subsection (a) of section 8 of 2006 Senate Bill No. 418, and amendments thereto, shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection

(d). In addition, the sheriff shall forward *to the attorney general a copy of the application and \$110 of the original license fee, or \$50 of the renewal license fee; the portion of the original or renewal license fee which is payable* to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff.

(2) The sheriff of the applicant's county of residence *or the chief law enforcement officer of any law enforcement agency*, at the sheriff's *or chief law enforcement officer's* discretion, may participate in the process by submitting a voluntary report to the attorney general containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the application. Any sheriff or *chief law enforcement officer* submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report.

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be ~~deposited in the general fund of the county and shall be budgeted to the use credited to a special fund of the sheriff's office which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to meet normal operating expenses~~ of the sheriff's office.

(d) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime that would disqualify the applicant from holding a license under this act. The attorney general is authorized

to use the information obtained from the national criminal history record check to determine the applicant's eligibility for such license.

(e) Within 180 days after the date of receipt of the items listed in subsection (b), for applications received before July 1, 2007, and within 90 days after the date of receipt of the items listed in subsection (b), for applications received on or after July 1, 2007, the attorney general shall:

(1) Issue the license *and certify the issuance to the department of revenue*; or

(2) deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant fails to qualify under the criteria listed in section 4 of 2006 Senate Bill No. 418, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant ~~of any right to the opportunity~~ for a hearing pursuant to the Kansas administrative procedure act.

(f) *Each person issued a license shall pay to the department of revenue fees for the cost of the license and the photograph to be placed on the license, which shall be in amounts equal to the fees required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for a driver's license photograph and replacement of a driver's license.*

(g) A person who is a retired law enforcement officer, as defined in K.S.A. 21-3110, and amendments thereto, shall be: (1) ~~Exempt from the~~ Required to pay an original license fee of \$100, which fee shall be in the form of two cashier checks or money orders, \$40 payable to the sheriff of the county where the applicant resides and \$60 payable to the attorney general, to be forwarded by the sheriff to the attorney general; (2) exempt from the required completion of a weapons safety and training course if such person was certified by the Kansas law enforcement training commission not more than eight years prior to submission of the application; (3) required to pay the license renewal fee; ~~and~~ (4) required to pay to the department of revenue the fees required by subsection (f); and (5) required to comply with the criminal history records check requirement of this section.

Sec. 4. Section 6 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 6. (a) *The attorney general shall be the official custodian of all records relating to licenses issued pursuant to the personal and family protection act.*

(b) *Except as provided by subsections (c) and (d), records relating to persons issued licenses pursuant to this act, persons applying for licenses pursuant to this act or persons who have had a license denied pursuant to this act shall be confidential and shall not be disclosed in a manner which enables identification of any such person. Any disclosure of a record in violation of this subsection is a class A misdemeanor.*

(c) *Records of a person whose license has been suspended or revoked pursuant to this act shall be subject to public inspection in accordance with the open records act.*

(d) The attorney general shall maintain an automated listing of license holders and pertinent information, and such information shall be available, upon request, at all times to all law enforcement agencies in this state, other states and the District of Columbia.

~~(b)~~ (e) Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the attorney general of such change, loss or destruction. The attorney general, upon notice and *opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act*, may order a licensee to pay a fine of not more than \$100, or may suspend the licensee's license for not more than 180 days, for failure to notify the attorney general pursuant to the provisions of this subsection.

~~(c)~~ (f) In the event that a concealed weapon license is lost or destroyed, the license shall be automatically invalid, and the person to whom the license was issued, upon payment of \$15 to the attorney general, may obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the attorney general that such license has been lost or destroyed.

Sec. 5. Section 7 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 7. (a) *In accordance with the provisions of the Kansas administrative procedure act, the attorney general shall deny under license to any applicant for license who is ineligible under section 4 of 2006 Senate Bill No. 418, and amendments thereto, and, except as provided by subsection (b), shall ~~suspend or~~ revoke at any time the license of any person who would be*

ineligible under section 4 of 2006 Senate Bill No. 418, and amendments thereto, if submitting an application for a license at such time or who fails to submit evidence of completion of a weapons safety and training course as required by subsection (c) of section 4 of 2006 Senate Bill No. 418, and amendments thereto. ~~The suspension or revocation shall be subject to Any review by the district court in accordance with the act for judicial review and civil enforcement of agency actions shall be in Shawnee county. The suspension or revocation shall remain in effect pending any appeal and shall not be stayed by the court.~~

(b) *The license of a person who would be ineligible pursuant to subsection (a)(6) of section 4 of 2006 Senate Bill No. 418, and amendments thereto, shall be subject to suspension and shall be reinstated upon final disposition of the charge as long as the person is otherwise eligible for a license.*

~~(b)~~ (c) The sheriff of the county where a restraining order is issued that would prohibit issuance of a license under subsection (a)(11) (13) of section 4 of 2006 Senate Bill No. 418, and amendments thereto, shall notify the attorney general immediately upon receipt of such order. If the person subject to the restraining order holds a license issued pursuant to this act, the attorney general immediately shall revoke such license upon receipt of notice of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures which allow for 24-hour notification and revocation of a license under the circumstances described in this subsection.

Sec. 6. Section 8 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 8. (a) Not less than 90 days prior to the expiration date of the license, the attorney general shall mail to the licensee a written notice of the expiration and a renewal form prescribed by the attorney general. The licensee shall renew the license on or before the expiration date by filing with the sheriff of the applicant's county of residence the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in section 4 of 2006 Senate Bill No. 418, and amendments thereto, a full frontal view photograph of the applicant taken within the preceding 30 days and a nonrefundable license renewal fee ~~not to exceed~~ of \$100 *which fee shall be in the form of two cashier checks or money orders, one of \$50 payable to the sheriff of the county where the applicant resides and one of \$50 payable to the attorney general.* The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees. A licensee who fails to file a renewal application on or before the expiration date of the license must pay an additional late fee of \$15.

(b) If the licensee is qualified as provided by this act, the license shall be renewed upon receipt by the attorney general of the items listed in subsection (a).

(c) No license shall be renewed six months or more after the expiration date of the license, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure but an application for licensure and fees pursuant to section 5 of 2006 Senate Bill No. 418, and amendments thereto, shall be submitted, and a background investigation shall be conducted pursuant to the provisions of that section.

Sec. 7. Section 10 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 10. (a) No license issued pursuant to this act shall authorize the licensee to carry a concealed weapon into:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police, sheriff or highway patrol station;
- (3) any detention facility, prison or jail;
- (4) any courthouse;
- (5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
- (6) any polling place on the day an election is held;
- (7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- (8) on the state fairgrounds;
- (9) any state office building;

(10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;

(11) any professional athletic event not related to or involving firearms;

(12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;

(13) any elementary or secondary school ~~building or structure used for student instruction or attendance~~, *attendance center, administrative office, services center or other facility*;

(14) any community college, college or university facility;

(15) any place where the carrying of firearms is prohibited by federal or state law;

(16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;

(17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;

(18) any city hall;

(19) any public library operated by the state or by a political subdivision of the state;

(20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; ~~or~~

(21) any church or temple; *or*

(22) *any place in violation of K.S.A. 21-4218, and amendments thereto.*

(b) Violation of this section is a class A misdemeanor.

Sec. 8. Section 11 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 11. (a) Nothing in this act shall be construed to prevent:

(1) Any public or private employer from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer; or

(2) any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such premises, provided that the premises are posted, ~~in a manner reasonably likely to come to the attention of persons entering the premises~~ *in accordance with rules and regulations adopted by the attorney general pursuant to this section*, as premises where carrying a concealed weapon is prohibited; or

(3) a property owner from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such property, provided that the premises are posted, ~~in a manner reasonably likely to come to the attention of persons entering the property~~ *in accordance with rules and regulations adopted by the attorney general pursuant to this section*, as premises where carrying a concealed weapon is prohibited.

(b) Carrying a concealed weapon on premises in violation of any restriction or prohibition allowed by subsection (a) (1), or in violation of any restriction or prohibition allowed by subsection ~~(b) or (c)~~ (a)(2) or (a)(3) if the premises are posted as required by such subsection, is a class B misdemeanor.

*(c) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on premises pursuant to subsections (a)(2) and (a)(3).*

Sec. 9. Section 12 of 2006 Senate Bill No. 418 is hereby amended to read as follows: Sec. 12. (a) It is a class A nonperson misdemeanor for a person licensed pursuant to this act to carry a concealed weapon while under the influence of alcohol or drugs, or both.

*(b) In any criminal prosecution for carrying a concealed weapon while under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:*

(1) *If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol, or both alcohol and drugs.*

(2) *If the alcohol concentration is .08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol.*

(3) *If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapacitated, that fact may be considered to determine if the defendant was under the influence of drugs, or both alcohol and drugs.*

(c) *The provisions of subsection (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.*

(d) *Any person licensed pursuant to this act is deemed to have given consent to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing deemed consented to under this subsection shall include all quantitative and qualitative tests for alcohol and drugs. A law enforcement officer shall request a person to submit to a test or tests deemed consented to under this subsection if such person is arrested or otherwise taken into custody for any offense involving carrying of a concealed weapon while under the influence of alcohol or drugs, or both, in violation of this section and the arresting officer has reasonable grounds to believe that prior to arrest the person was carrying a concealed weapon under the influence of alcohol or drugs, or both. The test or tests shall be administered in the manner provided by for administration of tests for alcohol or drugs pursuant to K.S.A. 8-1001, and amendments thereto, and the person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test shall be immune from civil and criminal liability to the same extent as in the case of tests performed pursuant to that statute.*

(e) *Before a test or tests are administered under this section, the person shall be given oral and written notice that:*

(1) *Kansas law requires the person to submit to and complete one or more tests of breath, blood or urine to determine if the person is under the influence of alcohol or drugs, or both;*

(2) *the opportunity to consent to or refuse a test is not a constitutional right;*

(3) *there is no constitutional right to consult with an attorney regarding whether to submit to testing;*

(4) *if the person refuses to submit to and complete any test of breath, blood or urine hereafter requested by a law enforcement officer, the person's license to carry a concealed weapon will be revoked for a minimum of three years; and*

(5) *after the completion of the testing, the person has the right to consult with an attorney and may secure additional testing, which, if desired, should be done as soon as possible and is customarily available from medical care facilities and physicians.*

(f) *After giving the foregoing information, a law enforcement officer shall request the person to submit to testing. The selection of the test or tests shall be made by the officer. If the person refuses to submit to and complete a test as requested pursuant to this section, additional testing shall not be given unless the law enforcement officer has probable cause to believe that the person while under the influence of alcohol or drugs, or both, was carrying a concealed weapon used in killing or seriously injuring another person. If the test results show a blood or breath alcohol concentration of .08 or greater, the person's license to carry a concealed weapon shall be subject to suspension or revocation pursuant to this act.*

(g) *The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of carrying a concealed weapon while under the influence of alcohol or drugs, or both.*

(h) *Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.*

(i) (1) *If the person refuses to submit to testing when requested pursuant to this section, the person's weapon and license shall be seized by the law enforcement officer and the person's license shall be forwarded to the attorney general, together with the officer's certification of the following: (A) There existed reasonable grounds to believe the person was*

carrying a concealed weapon while under the influence of alcohol or drugs, or both, and a statement of such grounds; (B) the person had been placed under arrest or was in custody; (C) a law enforcement officer had presented the person with the oral and written notice required by this section; and (D) the person refused to submit to and complete a test as requested by a law enforcement officer.

(2) If the person fails a test administered pursuant to this section, the person's weapon and license shall be seized by the law enforcement officer and the person's license shall be forwarded to the attorney general, together with the officer's certification of the following: (A) There existed reasonable grounds to believe the person was carrying a concealed weapon while under the influence of alcohol or drugs, or both; (B) the person had been placed under arrest or was in custody; (C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto; and (D) the result of the test showed that the person had an alcohol concentration of .08 or greater in such person's blood or breath.

(3) With regard to failure of a breath test, in addition to those matters required to be certified under subsection (h)(2), the law enforcement officer shall certify that: (A) The testing equipment used was certified by the Kansas department of health and environment; (B) the testing procedures used were in accordance with the requirements set out by the Kansas department of health and environment; and (C) the person who operated the testing equipment was certified by the Kansas department of health and environment to operate such equipment.

(4) For purposes of this subsection, certification shall be complete upon signing, and no additional acts of oath, affirmation, acknowledgment or proof of execution shall be required. The signed certification or a copy or photostatic reproduction thereof shall be admissible in evidence in all proceedings brought pursuant to this act, and receipt of any such certification, copy or reproduction shall accord the department authority to proceed as set forth herein. Any person who signs a certification submitted to the attorney general knowing it contains a false statement is guilty of a class B nonperson misdemeanor.

(5) Upon receipt of a certification in accordance with this section, the attorney general shall revoke the person's license for three years.

(j) It shall not be a defense that the person did not understand the written or oral notice required by this section.

(k) No test results shall be suppressed because of technical irregularities in the consent or notice required pursuant to this act.

(l) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant.

(m) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person.

Sec. 10. K.S.A. 21-4218 is hereby amended to read as follows: 21-4218. (a) Possession of a firearm on the grounds of or in the state capitol building, within the governor's residence, on the grounds of or in any building on the grounds of the governor's residence, within the state office building at 915 Harrison known as the Docking state office building, within the state office building at 900 Jackson known as the Landon state office building, within the Kansas judicial center at 301 West 10th, within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building, and within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse, is possession of a firearm by a person other than a commissioned law enforcement officer, a full-time salaried law enforcement officer of another state or the federal government who is carrying out official duties while in this state, any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer or a member of the military of this state or the United States engaged in the performance of duties who brings a firearm into, or possesses a firearm within, the state capitol building, any state legislative office, any office of the governor or office of other state government elected official, any hearing room in which any committee of the state legislature or either house thereof is conducting a hearing, the governor's residence, on the grounds of or in any building on the

grounds of the governor's residence or the Landon state office building, Docking state office building, Kansas judicial center, county courthouses unless otherwise allowed, or any other state-owned or leased building, so designated.

(b) It is not a violation of this section for the governor, the governor's immediate family, or specifically authorized guests of the governor to possess a firearm within the governor's residence or on the grounds of or in any building on the grounds of the governor's residence.

(c) Violation of subsection (a) is a class ~~B nonperson select misdemeanor~~ *A misdemeanor*.

(d) This section shall be part of and supplemental to the Kansas criminal code.

New Sec. 11. (a) On or before September 1, 2006, every district court shall review all files dated on or after July 1, 1998, concerning mentally ill persons subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.

(b) If the court ordered treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, the clerk of the court shall report such order to the Kansas bureau of investigation.

(c) A copy of such orders shall be delivered by the clerk of the court to the Kansas bureau of investigation on or before September 1, 2006. The Kansas bureau of investigation shall immediately enter the order into the national criminal information center and other appropriate databases.

(d) The Kansas bureau of investigation shall ensure the accuracy of the entries and the court shall ensure the validity of the orders.

(e) Upon a finding that the mentally ill person is a danger to self or others, the court shall notify the mentally ill person subject to involuntary commitment for care and treatment that it is a violation of the law to possess a firearm. Upon a finding that a proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment, the court shall notify the person that it is a violation of the law to possess a firearm. Upon release, the state hospital shall notify the patient that it is a violation of the law for the patient to possess a firearm and provide information to the patient regarding the restoration procedure.

New Sec. 12. On and after July 1, 2007, (a) a person who has been discharged pursuant to K.S.A. 59-2973 or 59-29b73, and amendments thereto, may file a petition in the court where treatment was ordered pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, for the restoration of the ability to legally possess a firearm.

(b) Notice of the filing of such petition shall be served on the petitioner who originally filed the action pursuant to K.S.A. 59-2952, 59-2957, 59-29b52 or 59-29b57, and amendments thereto, or the petitioner's attorney and the county or district attorney as appropriate.

(c) If the court finds the person is no longer likely to cause harm to such person's self or others, the court shall issue a certificate of restoration to the person. Such restoration shall have the effect of restoring the person's ability to legally possess a firearm, and the certification of restoration shall so state.

(d) The certificate of registration issued pursuant to this section shall only apply to the possession of a firearm for the purposes of an alleged violation of subsection (a)(7) of K.S.A. 21-4204, and amendments thereto.

Sec. 13. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4203 is hereby amended to read as follows: 21-4203. (a) Criminal disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age;

(2) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(3) selling, giving or otherwise transferring any firearm to any person who, within the preceding five years, has been convicted of a felony, other than those specified in subsection (b), under the laws of this or any other jurisdiction or has been released from imprisonment for a felony and was found not to have been in possession of a firearm at the time of the commission of the offense;

(4) selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of a felony to which this subsection applies, but was

not found to have been in the possession of a firearm at the time of the commission of the offense, or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned for such crime; ~~or~~

(5) selling, giving or otherwise transferring any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction and was found to have been in possession of a firearm at the time of the commission of the offense; *or*

(6) *selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, and such person has not received a certificate of restoration pursuant to section 12, and amendments thereto.*

(b) Subsection (a)(4) shall apply to a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, or 65-4160 through 65-4164 or K.S.A. 2005 Supp. 21-3442, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony.

(c) Criminal disposal of firearms is a class A nonperson misdemeanor.

Sec. 14. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4204 is hereby amended to read as follows: 21-4204. (a) Criminal possession of a firearm is:

(1) Possession of any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(2) possession of any firearm by a person who has been convicted of a person felony or a violation of any provision of the uniform controlled substances act under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation of any provision of the uniform controlled substances act, and was found to have been in possession of a firearm at the time of the commission of the offense;

(3) possession of any firearm by a person who, within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(4)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was found not to have been in possession of a firearm at the time of the commission of the offense;

(4) possession of any firearm by a person who, within the preceding 10 years, has been convicted of: (A) A felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, or 65-4160 through 65-4164 or K.S.A. 2005 Supp. 21-3442, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was found not to have been in possession of a firearm at the time of the commission of the offense, and has not had the conviction of such crime expunged or been pardoned for such crime; or (B) a nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the offense;

(5) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event; ~~or~~

(6) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer; *or*

(7) *possession of any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.*

(b) Subsection (a)(5) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; *or*

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day.

(c) *Subsection (a)(7) shall not apply to a person who has received a certificate of restoration pursuant to section 12, and amendments thereto.*

(d) Violation of subsection (a)(1) or (a)(5) is a class B nonperson select misdemeanor; violation of subsection (a)(2), (a)(3) ~~or~~, (a)(4) *or* (a)(7) is a severity level 8, nonperson felony; violation of subsection (a)(6) is a class A nonperson misdemeanor.

Sec. 15 On and after July 1, 2007, K.S.A. 59-2948 is hereby amended to read as follows: 59-2948. (a) The fact that a person may have voluntarily accepted any form of psychiatric treatment, or become subject to a court order entered under authority of this act, shall not be construed to mean that such person shall have lost any civil right they otherwise would have as a resident or citizen, any property right or their legal capacity, except as may be specified within any court order or as otherwise limited by the provisions of this act or the reasonable rules and regulations which the head of a treatment facility may for good cause find necessary to make for the orderly operations of that facility. No person held in custody under the provisions of this act shall be denied the right to apply for a writ of habeas corpus.

(b) There shall be no implication or presumption that a patient within the terms of this act is for that reason alone a person in need of a guardian or a conservator as provided for in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(c) *A person who is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, shall be subject to K.S.A. 21-4204, and amendments thereto.*

Sec. 16. On and after July 1, 2007, K.S.A. 59-2966 is hereby amended to read as follows: 59-2966. (a) Upon the completion of the trial, if the court or jury finds by clear and convincing evidence that the proposed patient is a mentally ill person subject to involuntary commitment for care and treatment under this act, the court shall order treatment for such person for a specified period of time not to exceed three months from the date of the trial at a treatment facility, except that the court shall not order treatment at a state psychiatric hospital, unless a written statement from a qualified mental health professional authorizing such treatment at a state psychiatric hospital has been filed with the court. *Whenever an involuntary patient is ordered to receive treatment, the clerk of the district court shall send a copy of the order to the Kansas bureau of investigation within five days after receipt of the order. The Kansas bureau of investigation shall immediately enter the order into the national criminal information center and other appropriate databases.* An order for treatment in a treatment facility other than a state psychiatric hospital shall be conditioned upon the consent of the head of that treatment facility to accepting the patient. In the event no other appropriate treatment facility has agreed to provide treatment for the patient, and no qualified mental health professional has authorized treatment at a state psychiatric hospital,

the participating mental health center for the county in which the patient resides shall be given responsibility for providing or securing treatment for the patient or if no county of residence can be determined for the patient, then the participating mental health center for the county in which the patient was taken into custody or in which the petition was filed shall be given responsibility for providing or securing treatment for the patient.

(b) A copy of the order for treatment shall be provided to the head of the treatment facility.

(c) When the court orders treatment, it shall retain jurisdiction to modify, change or terminate such order, unless venue has been changed pursuant to K.S.A. 59-2971 and amendments thereto and then the receiving court shall have continuing jurisdiction.

(d) If the court finds from the evidence that the proposed patient has not been shown to be a mentally ill person subject to involuntary commitment for care and treatment under this act the court shall release the person and terminate the proceedings.

Sec. 17. On and after July 1, 2007, K.S.A. 59-2974 is hereby amended to read as follows: 59-2974. The head of the treatment facility shall notify, in writing, the patient, the patient's attorney, the petitioner or the petitioner's attorney, the county or district attorney as appropriate, and the district court which has jurisdiction over the patient of the patient's discharge pursuant to K.S.A. 59-2973 and amendments thereto. When a notice of discharge is received, the court shall file the same which shall terminate the proceedings, unless there has been issued a superseding inpatient or outpatient treatment order not being discharged by the notice. *Whenever a person who is involuntarily committed to a state psychiatric hospital is released by order of the court or termination of the case, the court shall review the case upon request of the patient, and may order the issuance of the certificate of restoration pursuant to section 12, and amendments thereto. If the court issues such release or termination and certificate, the court shall order the clerk of the district court to report the release or termination of the case and the certificate of restoration to the Kansas bureau of investigation within five days after the order.*

Sec. 18. On and after July 1, 2007, K.S.A. 59-104 is hereby amended to read as follows: 59-104. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated without payment of an appropriate docket fee as follows:

Treatment of mentally ill .....	<del>25.50</del> 50.00
Treatment of alcoholism or drug abuse .....	25.50
Determination of descent of property .....	40.50
Termination of life estate .....	39.50
Termination of joint tenancy .....	39.50
Refusal to grant letters of administration .....	39.50
Adoption .....	39.50
Filing a will and affidavit under K.S.A. 59-618a .....	39.50
Guardianship .....	60.50
Conservatorship .....	60.50
Trusteeship .....	60.50
Combined guardianship and conservatorship .....	60.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto .....	14.50
Decrees in probate from another state .....	99.50
Probate of an estate or of a will .....	100.50
Civil commitment under K.S.A. 59-29a01 et seq. ....	24.50

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 19. On and after July 1, 2007, K.S.A. 59-29b48 is hereby amended to read as follows: 59-29b48. (a) The fact that a person may have voluntarily accepted any form of treatment for an alcohol or substance abuse problem, or become subject to a court order entered under authority of this act, shall not be construed to mean that such person shall have lost any civil right they otherwise would have as a resident or citizen, any property right or their legal capacity, except as may be specified within any court order or as otherwise limited by the provisions of this act or the reasonable rules and regulations which the head of a treatment facility may for good cause find necessary to make for the orderly operations of that facility. No person held in custody under the provisions of this act shall be denied the right to apply for a writ of habeas corpus.

(b) There shall be no implication or presumption that a patient within the terms of this act is for that reason alone a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(c) *A person who is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, shall be subject to K.S.A. 21-4204, and amendment thereto.*

Sec. 20. On and after July 1, 2007, K.S.A. 59-29b66 is hereby amended to read as follows: 59-29b66. (a) Upon the completion of the trial, if the court or jury finds by clear and convincing evidence that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, the court shall order treatment for such person for a specified period of time not to exceed three months from the date of the trial at a treatment facility. *Whenever an involuntary patient is ordered to receive treatment, the clerk of the district court shall send a copy of the order to the Kansas bureau of investigation within five days after receipt of the order. The Kansas bureau of investigation shall immediately enter the order into the national criminal information center and other appropriate databases.* An order for treatment in a treatment facility shall be conditioned upon the consent of the head of that treatment facility to accepting the patient. In the event no appropriate treatment facility has agreed to provide treatment for the patient, then the secretary of social and rehabilitation services shall be given responsibility for providing or securing treatment for the patient.

(b) A copy of the order for treatment shall be provided to the head of the treatment facility.

(c) When the court orders treatment, it shall retain jurisdiction to modify, change or terminate such order, unless venue has been changed pursuant to K.S.A. 59-29b71 and amendments thereto and then the receiving court shall have continuing jurisdiction.

(d) If the court finds from the evidence that the proposed patient has not been shown to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, the court shall release the person and terminate the proceedings.

Sec. 21. On and after July 1, 2007, K.S.A. 59-29b74 is hereby amended to read as follows: 59-29b74. The head of the treatment facility shall notify, in writing, the patient, the patient's attorney, the petitioner or the petitioner's attorney, the county or district attorney as appropriate, and the district court which has jurisdiction over the patient of the patient's discharge pursuant to K.S.A. 59-29b73 and amendments thereto. When a notice of discharge is received, the court shall file the same which shall terminate the proceedings, unless there has been issued a superseding inpatient or outpatient treatment order not being discharged by the notice. *Whenever a person who is involuntarily committed to a state psychiatric*

*hospital is released by order of the court of termination of the case, the court shall review the case upon request of the patient, and may order the issuance of the certificate of restoration pursuant to section 12, and amendments thereto. If the court issues such release or termination and certificate, the court shall order the clerk of the district court to report the release or termination of the case and the certificate of restoration to the Kansas bureau of investigation within five days after the order.*

Sec. 22. K.S.A. 21-4218, and sections 3, 4, 5, 6, 7, 8, 10, 11 and 12 of 2006 Senate Bill No. 418 are hereby repealed.

Sec. 23. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4203 and 21-4204 are hereby repealed.

Sec. 24. On and after July 1, 2007, K.S.A. 59-104, 59-2948, 59-2966, 59-2974, 59-29b48, 59-29b66 and 59-29b74 are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, by striking all in lines 13 through 15 and inserting “the personal and family protection act; amending K.S.A. 21-4218, 59-104, 59-2948, 59-2966, 59-2974, 59-29b48, 59-29b66 and 59-29b74 and K.S.A. 2005 Supp. 21-4203 and 21-4204 and sections 3, 4, 5, 6, 7, 8, 10, 11 and 12 of 2006 Senate Bill No. 418 and repealing the existing sections.”;

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

TIM HUELSKAMP

DENNIS WILSON

*Conferees on part of Senate*

JENE VICKREY

STEVE HUEBERT

TOM SAWYER

*Conferees on part of House*

On motion of Rep. Vickrey to adopt the conference committee report on **HB 2118**, Rep. Yonally offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. Vickrey and the conference committee report was adopted.

On roll call, the vote was: Yeas 93; Nays 24; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Dahl, DeCastro, Decker, Dillmore, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Kirk, Knox, Lane, Light, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, O’Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Pilcher-Cook, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Yoder.

Nays: Ballard, Cox, Craft, Crow, Davis, Faust-Goudeau, Flaharty, Flora, Garcia, Henderson, Huff, Huntington, Kuether, Loganbill, M. Miller, Phelps, Pottorff, S. Sharp, Storm, Thull, Treaster, Winn, Wolf, Yonally.

Present but not voting: None.

Absent or not voting: Bethell, Carter, Edmonds, Kiegerl, Krehbiel, Landwehr, Neufeld, O’Malley.

#### **INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2583**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2583**, submits the following report:

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

On page 1, by striking all in line 21 through 43;

By striking all on pages 2 through 30 and inserting the following:

“New Section 1. (a) It is the purpose of this section to promote, stimulate, foster and encourage new investments in commercial and industrial machinery and equipment in the state of Kansas, to contribute to the economic recovery of the state, to enhance business opportunities in the state, to encourage the location of new businesses and industries in the state as well as the retention and expansion of existing businesses and industries and to promote the economic stability of the state by maintaining and providing employment opportunities, thereby contributing to the general welfare of the citizens of the state, by exempting from property taxation all newly purchased or leased commercial and industrial machinery and equipment, including machinery and equipment transferred into this state for the purpose of expanding an existing business or for the creation of a new business.

(b) The following described property, to the extent specified by this section, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

*First.* Commercial and industrial machinery and equipment acquired by qualified purchase or lease made or entered into after June 30, 2006, as the result of a bona fide transaction not consummated for the purpose of avoiding taxation.

*Second.* Commercial and industrial machinery and equipment transported into this state after June 30, 2006, for the purpose of expanding an existing business or creation of a new business.

(c) Any purchase, lease or transportation of commercial and industrial machinery and equipment consummated for the purpose of avoiding taxation shall subject the property to the penalty provisions of K.S.A. 79-1422 and 79-1427a, and amendments thereto.

(d) As used in this section:

(1) “Acquired” shall not include the transfer of property pursuant to an exchange for stock securities, or the transfer of assets from one going concern to another due to a merger, reorganization or other consolidation;

(2) “commercial and industrial machinery and equipment” means property classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas;

(3) “qualified lease” means a lease of commercial and industrial machinery and equipment for not less than 30 days for fair and valuable consideration where such machinery and equipment is physically transferred to the lessee to be used in the lessee’s business or trade; and

(4) “qualified purchase” means a purchase of commercial and industrial machinery and equipment for fair and valuable consideration where such machinery and equipment is physically transferred to the purchaser to be used in the purchaser’s business or trade.

(e) The secretary of revenue is hereby authorized to adopt rules and regulations to administer the provisions of this section.

New Sec. 2. (a) There is hereby established in the state treasury the business machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the business machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions

within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007. On or before February 15, 2008, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 90% of such difference for distribution as provided in subsection (d).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008. On or before February 15, 2009, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 70% of such difference for distribution as provided in subsection (d).

(3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009. On or before February 15, 2010, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 50% of such difference for distribution as provided in subsection (d).

(4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010. On or before February 15, 2011, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 30% of such difference for distribution as provided in subsection (d).

(5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011. On or before February 15, 2012, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 10% of such difference for distribution as provided in subsection (d).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(d) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the business machinery and equipment tax reduction assistance fund.

(2) The state treasurer shall apportion and distribute the moneys credited to the business machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions in the same proportion that the amount of the total mill levy of each individual taxing subdivision for the preceding tax year bears to the aggregate of such levies of all the taxing subdivisions among which the apportionment is to be made. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(e) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, and all other relevant information related to the provisions of this section, and shall present such report before such date to the house committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

New Sec. 3. (a) It is the purpose of this section to promote, stimulate, foster and encourage new investments in telecommunications machinery and equipment and railroad machinery and equipment in the state of Kansas, to recognize the dramatic changes within the telecommunications industry, to contribute to the economic recovery of the state, to enhance business opportunities in the state, to encourage the location of new businesses and industries in the state as well as the retention and expansion of existing businesses and industries and to promote the economic stability of the state by maintaining and providing employment opportunities, thereby contributing to the general welfare of the citizens of the state, by exempting from property taxation certain newly purchased or leased telecommunications machinery and equipment and railroad machinery and equipment, including all such machinery and equipment transferred into this state for the purpose of expanding an existing business or for the creation of a new business.

(b) The following described property, to the extent specified by this section, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

*First.* Telecommunications machinery and equipment and railroad machinery and equipment acquired by qualified purchase or lease made or entered into after June 30, 2006, as the result of a bona fide transaction not consummated for the purpose of avoiding taxation.

*Second.* Telecommunications machinery and equipment and railroad machinery and equipment transported into this state after June 30, 2006, for the purpose of expanding an existing business or creation of a new business.

(c) As used in this section:

(1) "Acquired" shall not include the transfer of property pursuant to an exchange for stock securities, or the transfer of assets from one going concern to another due to a merger, reorganization or other consolidation;

(2) "qualified lease" means a lease of telecommunications machinery and equipment or railroad machinery and equipment for not less than 30 days for fair and valuable consideration where such machinery and equipment is physically transferred to the lessee to be used in the lessee's business or trade;

(3) "qualified purchase" means a purchase of telecommunications machinery and equipment or railroad machinery and equipment for fair and valuable consideration where such machinery and equipment is physically transferred to the purchaser to be used in the purchaser's business or trade;

(4) "railroad machinery and equipment" means railroad machinery and equipment classified for property tax purposes within subclass (3) of class 2 of section 1 of article 11 of the constitution of the state of Kansas; and

(5) "telecommunications machinery and equipment" means network administrative assets; central office equipment; information, station and customer equipment; and outside plant equipment of a telecommunication company.

(d) The secretary of revenue is hereby authorized to adopt rules and regulations to administer the provisions of this section.

New Sec. 4. (a) There is hereby established in the state treasury the telecommunications and railroad machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the telecommunications and railroad machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007. On or before February 15, 2008, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 90% of such difference for distribution as provided in subsection (d).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008. On or before February 15, 2009, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 70% of such difference for distribution as provided in subsection (d).

(3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009. On or before February 15, 2010, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 50% of such difference for distribution as provided in subsection (d).

(4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010. On or before February 15, 2011, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 30% of such difference for distribution as provided in subsection (d).

(5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011. On or before February 15, 2012, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 10% of such difference for distribution as provided in subsection (d).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(d) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund.

(2) The state treasurer shall apportion and distribute the moneys credited to the telecommunications and railroad machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions in the same proportion that the amount of the total mill levy of each individual taxing subdivision for the preceding tax year bears to the aggregate of such levies of all the taxing subdivisions among which the apportionment is to be made. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(e) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, and all other relevant information related to the provisions of this section, and shall present such report before such date to the house committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

New Sec. 5. (a) Television broadcasters shall receive a credit from the county treasurer of the county in which digital television equipment is located, to apply only towards payment of the broadcaster's personal property taxes, in an amount equal to the broadcaster's personal property taxes on digital television equipment acquired prior to July 1, 2006, multiplied by one minus the digital television fraction. The digital television fraction shall be a fraction the numerator of which is the total number of digital television sets in the United States and the denominator of which is an amount representing the total television sets in the United States as of the assessment date. The digital television fraction will be determined on an annual basis based upon sales data reported by the consumer electronics association or other national organization acceptable to the department of revenue. The Kansas association of broadcasters shall provide, by July 1 of each year, to the department an estimate of the digital television fraction as of the preceding January 1. The department shall communicate such estimate to each county appraiser. The credit shall not be applicable to years after the federal communications commission has ended the broadcast of analog television signals by all full power commercial television stations in Kansas.

(b) As used in this section, "digital television equipment" means all items of tangible personal property that are used directly or indirectly in broadcasting television shows or commercials through the use of digital technology including studio broadcast equipment, transmitter and antenna equipment and broadcast towers.

New Sec. 6. (a) Radio broadcasters shall receive a credit from the county treasurer of the county in which digital radio equipment is located, to apply only towards payment of the radio broadcaster's personal property taxes in an amount equal to the personal property taxes on the radio broadcaster's digital radio equipment acquired prior to July 1, 2006, multiplied by one minus the digital radio fraction. The digital radio fraction shall be a fraction, the numerator of which is the total number of digital radio sets in the United States and the denominator of which is an amount representing the total radio sets in the United States as of the assessment date. The digital radio fraction shall be determined on an annual basis based upon sales data reported by the consumer electronics association or other national organization acceptable to the department of revenue. The Kansas association of broadcasters shall provide, by July 1 of each year, to the department an estimate of the digital radio fraction as of the preceding January 1. The department shall communicate such estimate to each county appraiser. The credit shall not be applicable to years after December 31, 2013, or until more than 50% of the radio sets in the United States are capable of receiving the digital radio signal, whichever comes first.

(b) As used in this section, "digital radio equipment" means all items of tangible personal property that are used directly or indirectly in broadcasting radio shows or commercials through the use of digital technology including studio broadcast equipment, transmitter and antenna equipment and broadcast towers.

Sec. 7. K.S.A. 75-2551 is hereby amended to read as follows: 75-2551. Federal funds for public library service made available to the state which are administered by the state librarian

or state commission may be used in support of any one or more regional system of cooperating libraries within the provisions of such federal legislation. The use of funds of any regional system of cooperating libraries shall be established by the system board by contracts with boards of participating libraries, or otherwise.

Participating boards shall have the power and are hereby authorized to pay for services purchased from the system board.

Any funds appropriated by the legislature and administered by the state librarian for the promotion of library services may be used to pay all or part of the expenses and equipment of any regional system of cooperating libraries.

The system board shall be subject to the cash basis and budget laws of the state. The budget of the system board shall be prepared, adopted and published as provided by law and hearing shall be held thereon in the first week of the month of August of each year. The tax levy made pursuant to the budget shall be *based upon the certified preliminary abstract of property values submitted to the director of property valuation pursuant to K.S.A. 79-1604, and amendments thereto, and shall be* certified to the county clerks of each county in the territory of the regional system of cooperating libraries.

Each system board is hereby authorized to levy not in excess of 3/4 mill of tax to be used for library purposes on all of the taxable property within the boundaries of the regional system of cooperating libraries that is not within a district supporting a library with funds of the district.

Sec. 8. K.S.A. 2005 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:

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~~ *\$400 or less for tax years 2005 and 2006, and \$1,500 or less for tax year 2007*, and all tax years thereafter.

Sec. 9. K.S.A. 79-210 is hereby amended to read as follows: 79-210. The owner or owners of all property which is exempt from the payment of property taxes under the laws of the state of Kansas for a specified period of years, other than property exempt under K.S.A. 79-201d and 79-201g ~~and 79-201d Second~~, and amendments thereto, shall in each year after approval thereof by the board of tax appeals claim such exemption on or before March 1 of each year in which such exemption is claimed in the manner hereinafter provided. All claims for exemption from the payment of property taxes shall be made upon forms prescribed by the director of property valuation and shall identify the property sought to be exempt, state the basis for the exemption claimed and shall be filed in the office of the assessing officer of the county in which such property is located. The assessing officers of the several counties shall list and value for assessment, all property located within the county for which no claim for exemption has been filed in the manner hereinbefore provided. The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this section. The provisions of this section shall apply to property exempted pursuant to the provisions of section 13 of article 11 of the Kansas constitution. The claim for exemption annually filed by the owner of such property with the assessing officer shall include a written statement, signed by the clerk of the city or county granting the exemption, that the property continues to meet all the terms and conditions established as a condition of granting the exemption.

Sec. 10. K.S.A. 2005 Supp. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the board of tax appeals.

(f) Upon receipt of the request for exemption, the board shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption, and the county appraiser's recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the Kansas constitution; or (2) K.S.A. 79-201a *Second*, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto;

(3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) ~~hay and silage~~ *all property* exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth* and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x from the property tax levied pursuant to K.S.A. 72-6431, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*; ~~and~~ (17) from and after July 1, 1998, motor vehicles exempted from taxation by subsection (e) of K.S.A. 79-5107, and amendments thereto; (18) *commercial and industrial machinery and equipment exempted from property or ad valorem taxation by section 1, and amendments thereto; and* (19) *telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by section 3, and amendments thereto.*

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the Kansas constitution.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

Sec. 11. K.S.A. 79-2930 is hereby amended to read as follows: 79-2930. (a) Two copies of the budget certificate giving the amount of ad valorem tax to be levied and the total amount of the adopted budget of expenditures by fund, along with itemized budget forms for each and every fund and proof of publication of the notice of budget hearing containing the budget summary shall be presented to the county clerk within the time prescribed by K.S.A. 79-1801 ~~as amended and amendments thereto~~. Where action has been taken under any statute to increase the amount of tax to be levied authorized by law, a statement showing the increased amount or tax levy rate voted, or a copy of the charter resolution or ordinance making the change, shall be attached to the budget each year the change is in effect.

(b) The county clerk shall make any reductions to the ad valorem tax to be levied, compute the tax levy rates based on the final equalized assessed valuation, and enter such on the budget certificate before attesting the budget, *except that with regard to levies made under K.S.A. 75-2551, and amendments thereto, such levies shall be based upon the certified preliminary abstract of property values submitted to the director of property valuation pursuant*

to K.S.A. 79-1604, and amendments thereto. A copy of all budgets for taxing subdivisions of the county, properly attested, shall be filed with the director of accounts and reports, along with a copy of the tax levy rate summary required of the county treasurer by K.S.A. 79-2002, and amendments thereto.

(c) Each fund of the adopted budget certified to the county clerk in no event shall exceed the amount of ad valorem tax to be levied and the proposed expenditures of such fund in the proposed budget as originally published. The governing body of each taxing subdivision shall not certify an amount of ad valorem taxes to be levied that is in excess of any tax levy rate or amount limitations or any aggregate tax levy limitations. The governing bodies, in fixing the amount may take into consideration and make allowance for the taxes which may not be paid, such allowance, however, shall not exceed by more than 5% the percentage of delinquency for the preceding tax year.

Sec. 12. K.S.A. 2005 Supp. 79-2959, as amended by section 160 of 2006 Senate Bill No. 480, is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that no moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2007 and 2008, and the amount of the transfer on each such date shall be \$6,750,000 during the fiscal year 2010, \$13,500,000 during fiscal year 2011, \$20,250,000 during fiscal year 2012, and \$27,000,000 during fiscal year 2013 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(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. 13. K.S.A. 2005 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) Commencing in the tax year beginning after December 31, 2005, the amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued and/or rent constituting property tax accrued.

(1)		(2)
Claimants household income		Deduction from property tax accrued and/or rent constituting property tax accrued
At least	But not more than	
\$0	\$6,000	\$0
6,001	7,000	4%
7,001	16,000	4% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$7,001
16,001	27,000	40% plus 5% of every \$1,000, or fraction thereof, of income in excess of \$16,001
27,001	27,600	95%

<del>\$0</del>	<del>\$3,000</del>	<del>\$0</del>
<del>3,001</del>	<del>4,000</del>	<del>12%</del>
<del>4,001</del>	<del>26,300</del>	<del>12% plus 4% of every \$1,000; or fraction thereof, of income in excess of \$4,001</del>

(b) The director of taxation shall prepare a table under which claims under this act shall be determined. The amount of claim for each bracket shall be computed only to the nearest \$1.

(c) The claimant may elect not to record the amount claimed on the claim. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of the allowable claim.

(d) In the case of all tax years commencing after December 31, 2004, the upper limit threshold amount prescribed in this section, 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. 14. K.S.A. 75-2551, 79-210 and 79-2930 and K.S.A. 2005 Supp. 79-201w, 79-213, 79-2959, as amended by section 160 of 2006 Senate Bill No. 480, and 79-4508 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.”;

Also on page 1, in the title, in line 10, by striking all after “ACT”; by striking all in lines 11 through 17; in line 18, by striking all before the period and inserting “concerning property taxation; relating to exemptions; property tax reduction assistance payments to counties; credits; basis for property tax levies of public libraries; homestead property tax refunds; amending K.S.A. 75-2551, 79-210 and 79-2930 and K.S.A. 2005 Supp. 79-201w, 79-213, 79-2959, as amended by section 160 of 2006 Senate Bill No. 480, and 79-4508 and repealing the existing sections”;

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

BARBARA P. ALLEN  
DEREK SCHMIDT  
JANIS K. LEE  
*Conferees on part of Senate*

KENNY A. WILK  
DAVID HUFF  
TOM THULL  
*Conferees on part of House*

On motion of Rep. Wilk, the conference committee report on **HB 2583** was adopted.

On roll call, the vote was: Yeas 109; Nays 10; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Flaharty, Flora, Freeborn, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Kirk, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Burroughs, Feuerborn, Gatewood, Henderson, Long, Peterson, Ruiz, B. Sharp, Trimmer, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Carter, Edmonds, Kiegerl, Krehbiel, O’Malley.

## EXPLANATION OF VOTE

MR. SPEAKER: I vote Yes on **HB 2583**. Although I voted No the first time around on this legislation, I believe that the compromises that have been reached lessen the hardships that would have been placed upon cities and counties and local property owners. As this becomes law, I will carefully monitor this legislation and should at any time it become evident that the burden is being shifted to the local property taxpayers, I will personally introduce legislation to repeal the act and work towards its passage.—BOB GRANT

On motion of Rep. Aurand, the House recessed until 5:00 p.m.

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**EARLY EVENING SESSION**

The House met pursuant to recess with Speaker Mays in the chair.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 62**.

**INTRODUCTION OF ORIGINAL MOTIONS**

Pursuant to Joint Rule 3 (f), Rep. Aurand moved that the rules be suspended and that no copies be printed for distribution of the conference committee report on **SB 62**. The motion prevailed.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 62**, submits the following report:

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

On page 3, in line 15, before the period by inserting “, with the exception of temporary assistance for needy families which may not be received for those same grandchildren”;

On page 4, by striking all in lines 37 through 43;

By striking all on page 5;

On page 6, by striking all in lines 1 through 3 and inserting the following:

“Sec. 9. (a) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not allow any license, permit, stamp, tag or other issue of the department of wildlife and parks to be purchased by any applicant except as provided in this section. The secretary of social and rehabilitation services may make such a request by providing the secretary of wildlife and parks, on a quarterly basis, a listing of names and other information sufficient to allow the secretary of wildlife and parks to match applicants against the list with reasonable accuracy. The secretary of social and rehabilitation services may include an individual on the listing if, at the time the listing is compiled, the individual owes arrearages under a support order in a title IV-D case or has failed, after appropriate notice, to comply with an outstanding warrant or subpoena directed to the individual in a title IV-D case.

(b) If any applicant for a license, permit, stamp, tag or other issue of the department of wildlife and parks is not allowed to complete a purchase pursuant to this section, the vendor of the license, permit, stamp, tag or other issue of the department of wildlife and parks shall immediately deliver to the applicant a written notice, furnished by the state of Kansas, stating the basis for the action and how the applicant may dispute the action or request other relief.

(c) Immediately upon receiving a release executed by an authorized agent of the secretary of social and rehabilitation services, the secretary of wildlife and parks may allow the applicant to purchase any license, permit, stamp, tag or other issue of the department of wildlife and parks. The applicant shall have the burden of obtaining and delivering the

release. The secretary of social and rehabilitation services may limit the duration of the release.

(d) Upon request the secretary of social and rehabilitation services shall issue a release if, as appropriate:

(1) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;

(2) an income withholding order in the case has been served upon the applicant's current employer or payor;

(3) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; or

(4) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn.

(e) Individuals previously included in a quarterly listing may be omitted from any subsequent listing by the secretary of social and rehabilitation services. When a new listing takes effect, the secretary of wildlife and parks may allow any individual not included in the new listing to purchase any license, permit, stamp, tag or other issue of the department of wildlife and parks, whether or not the applicant had been included in a previous listing.

(f) Nothing in this section shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to the title IV-D case, including questions of mistaken identity or the adequacy of any notice provided pursuant to this section. The secretary of social and rehabilitation services shall provide an opportunity for fair hearing pursuant to K.S.A. 75-3306, and amendments thereto, to any person who has been denied any license, permit, stamp, tag or other issue of the department of wildlife and parks pursuant to this section, provided that the person complies with the requirements of the secretary of social and rehabilitation services for requesting such fair hearing.

(g) The term "title IV-D" has the meaning ascribed thereto in K.S.A. 32-930, and amendments thereto.

(h) The secretary of social and rehabilitation services and the secretary of wildlife and parks may enter into an agreement for administering the provisions of this section.

(i) The secretary of social and rehabilitation services and the secretary of wildlife and parks may each adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 10. (a) The head of the designated state medicaid agency shall authorize for each resident and each resident spouse of a nursing facility receiving long-term care in a medicaid approved institution to retain a certain amount of money a month in a personal needs fund. Subject to the provisions of this section, such amount shall be prescribed in rules and regulations adopted by the head of the designated state medicaid agency, except that the amount shall not be less than \$50 on and after July 1, 2006 through June 30, 2007, and on and after July 1, 2007, not less than \$60.

(b) The head of the designated state medicaid agency shall authorize for persons receiving long-term care in a medicaid approved institution who also receive supplemental security income payments of a certain amount of money per month to supplement such income. Subject to the provisions of this section, such amount shall be prescribed in rules and regulations adopted by the head of the designated state medicaid agency, except that the amount shall not be less than \$30.

(c) On or before July 1, 2007, and each year thereafter, the director of the budget shall certify to the head of the designated state medicaid agency the annual average increase in the chained consumer price index for all urban consumers for the preceding calendar year published by the United States department of labor and the head of the designated state medicaid agency may make adjustments for cost of living increases in the amount of moneys that can be retained in the personal needs funds pursuant to subsections (a) and (b) in an amount not to exceed such increase.

Sec. 11. Subject to the provisions of appropriations acts, the secretary of aging shall increase nursing facility reimbursement rates. For fiscal year 2007, the secretary of aging shall implement a base-year model of reimbursement for nursing facilities. For fiscal year 2007, the information from the 2003, 2004, and 2005 cost reports shall be averaged together to be used to calculate the base year. The base year utilized for cost information shall be

reestablished at least once every seven years. The secretary of aging shall not apply the 85% rule regarding number of beds filled for nursing facilities with 60 licensed beds or less to determine nursing facility reimbursement rates.”;

And by renumbering the remaining section accordingly;

In the title, in line 14, by striking all after “concerning”; in line 15, by striking “parents;” and inserting “public assistance;”; by striking all in lines 16 and 17; in line 18, by striking all before the period and inserting “relating to personal needs allowance; concerning child support; nursing facility reimbursement rates”;

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

ARLEN SIEGFREID  
RICHARD KELSEY  
TOM BURROUGHS  
*Conferees on part of House*

DWAYNE UMBARGER  
JAY SCOTT EMLER  
JIM BARONE  
*Conferees on part of Senate*

On motion of Rep. Siegfried, the conference committee report on **SB 62** was adopted.

On roll call, the vote was: Yeas 109; Nays 5; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelsey, Kilpatrick, Kirk, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Loyd, Mah, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treasurer, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Kelley, Kinzer, Masterson, Watkins, Weber.

Present but not voting: None.

Absent or not voting: Bethell, Carter, Edmonds, Flora, Henry, Kiegerl, Krehbiel, Long, Lukert, Mast, O’Malley.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 192**, by Representative Dahl, congratulating 2006 Governor’s Scholars Award winners;

**Request No. 193**, by Representative Kiegerl, congratulating 2006 Governor’s Scholars Award winners;

**Request No. 194**, by Representative S. Sharp, congratulating Derek Gordon Hannon on attaining the rank of Eagle Scout;

**Request No. 195**, by Representatives Hawk and Loganbill, congratulating Jim Armendariz on being honored with the Kansas NEA Human and Civil Rights Award;

**Request No. 196**, by Representative Hutchins, congratulating Jesse Strawn and Mike Roberts on winning 4A State Wrestling Championships;

**Request No. 197**, by Representative George, commending Cindy Malek for her 25 years of service to the Dodge City Chamber of Commerce;

**Request No. 198**, by Representative Ballard, congratulating Betty Spalsbury on her 94th birthday;

**Request No. 199**, by Representative Dahl, congratulating Lloyd and Beth Pagenkopf on their 60th wedding anniversary;

**Request No. 200**, by Representative Henderson, congratulating Lewis Edward Cook Jr. on obtaining his Doctorate of Dental Surgery;

**Request No. 201**, by Representative Kelley, commending B&B Theatres for being an outstanding employer;

**Request No. 202**, by Representative Faust-Goudeau, congratulating James Arbertha for his commitment and dedication to Power CDC and the northeast community of Wichita;

**Request No. 203**, by Representative Schwartz, congratulating Paul Chavarria-Kessinger on attaining the rank of Eagle Scout;

**Request No. 204**, by Representative Ballard, congratulating Ross and Marianna Beach on their 65th wedding anniversary;

**Request No. 205**, by Representative Humerickhouse, congratulating 2006 Governor's Scholars Award winners;

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

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

The House stood at ease until the sound of the gavel.

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Speaker Mays called the House to order.

On motion of Rep. Aurand, the House recessed until 7:00 p.m.

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## EVENING SESSION

The House met pursuant to recess with Speaker Mays in the chair.

### MESSAGES FROM THE SENATE

The Senate adopts conference committee report on **SB 62**.

The Senate adopts conference committee report on **S. Sub. for HB 2968**.

Also, announcing adoption of **SCR 1626**.

### INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to Joint Rule 3 (f), Rep. Aurand moved that the rules be suspended and that no copies be printed for distribution of the conference committee report on **HB 2968**. The motion prevailed.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2968**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2968, with amendments by Senate Committee of the Whole, as follows:

On page 1, in line 20, by striking "and June 30, 2009" and inserting ", June 30, 2009, June 30, 2010, and June 30, 2011";

On page 2, by striking all in lines 14 through 43;

On page 3, by striking all in lines 1 through 13 and inserting the following to read as follows:

"(b) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2007 as authorized by section 60 of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the legislature from moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2007 to provide for meetings of a special committee on children's issues composed of senators and representatives appointed by the legislative coordinating council who are members of the joint com-

mittee on children’s issues, except that no representative shall be required to be a member of the house committee on insurance or the house committee on appropriations to be a member of the special committee on children’s issues: *Provided*, That the special committee on children’s issues shall be assigned by the legislative coordinating council to oversee the implementation and operation of the children’s health insurance plans created under the provisions of K.S.A. 38-2001 through 38-2010 and amendments thereto, including the assessment of the performance based contracting’s measurable outcomes as set forth in subsection (b)(4) of K.S.A. 38-2001 and amendments thereto, and other children’s issues as the special committee deems necessary and such other matters as may be assigned by the legislative coordinating council.”;

On page 4, following line 18, by inserting the following to read as follows:

“(d) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2007 as authorized by section 60 of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, notwithstanding any of the provisions of section 60 of 2006 Senate Bill No. 480, expenditures may be made by the legislature from moneys appropriated from the operations (including official hospitality) account of the state general fund or from the legislative special revenue fund for fiscal year 2007 for each meeting of the compensation commission established by K.S.A. 46-3101 and amendments thereto during fiscal year 2007.”;

On page 6, by striking all in lines 13 through 30 and inserting the following to read as follows:

“(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:

Judicial performance fund  
For the fiscal year ending June 30, 2007..... No limit  
*Provided*, That, if 2006 Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the appropriation of all moneys now or hereafter lawfully credited to and available in such fund is hereby lapsed.

(b) On July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of 2006 Senate Bill No. 480 for the judicial council is hereby increased from 4.00 to 7.00: *Provided*, That, if 2006 Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by this subsection is hereby decreased from 7.00 to 4.00.”;

Also on page 6, by striking all in lines 33 through 43;

On page 7, by striking all in lines 1 through 18 and inserting the following:

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

New sheep and swine barn construction  
For the fiscal year ending June 30, 2007..... \$2,375,727”;

Also on page 7, by striking all in lines 23 and 24 and inserting the following to read as follows:

“Internet training education for Kansas kids  
For the fiscal year ending June 30, 2007..... \$175,000

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2006, in the young Kansans — safe kids program account is hereby reappropriated to the internet training education for Kansas kids account for fiscal year 2007.

Abuse, neglect and exploitation unit  
For the fiscal year ending June 30, 2006..... \$122,000

*Provided*, That expenditures may be made by the attorney general from the abuse, neglect and exploitation account of the state general fund to contract with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect, or exploitation.

Abuse, neglect and exploitation unit

For the fiscal year ending June 30, 2007..... \$228,000

Provided, That expenditures may be made by the attorney general from the abuse, neglect and exploitation account of the state general fund to contract with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect, or exploitation: Provided further, That expenditures shall be made by the attorney general from the abuse, neglect and exploitation account of the state general fund to employ an inspector general who shall be an attorney in the classified service under the Kansas civil service act who shall be authorized to oversee, audit, investigate, and provide a performance review of the administration of the state medicaid program, mediKan program, and the state children’s health insurance program: Provided, however, That no expenditures shall be made from this account for compensation, or associated employer contributions, for such inspector general for any payroll period commencing before December 17, 2006: And provided further, That any unencumbered balance in excess of \$100 as of June 30, 2006, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2007.”;

Also on page 7, in line 25, by striking “July 1, 2006” and inserting “the effective date of this act”; in line 26, by striking all after “June 30,” and inserting “2006, by section 147(a) of chapter 174 of the 2005 Session Laws of Kansas”; in line 27, by striking “97.50” and inserting “96.00”;

On page 8, by striking all in lines 31 and 32; preceding line 33, by inserting the following to read as follows:

“General state aid

For the fiscal year ending June 30, 2006..... \$3,800,000

Challenger learning center in Wellington grant

For the fiscal year ending June 30, 2007..... \$300,000

Provided, That any teacher employed by a school district in Kansas who teaches in the areas of math or science may submit an application for a scholarship to Challenger learning center in Wellington, Kansas: Provided further, That such scholarship shall be in an amount to be determined by the Challenger learning center for the purpose of paying the costs of obtaining training at the Challenger learning center: And provided further, That the application shall be prepared in such form and manner as required by the Challenger learning center and shall be submitted at a time to be determined and specified by the Challenger learning center: And provided further, That the Challenger learning center shall establish standards and criteria for reviewing, evaluating and approving applications for scholarships: And provided further, That all scholarships shall be awarded by the Challenger learning center in accordance with the standards and criteria established by the Challenger learning center and that the Challenger learning center shall determine the amount of scholarships and shall be responsible for payment thereof: And provided further, That expenditures shall be made from the Challenger learning center in Wellington grant account only if non-state funding sources are available to match such state grants on the basis of \$1 from non-state sources to match \$1 from the state grant for each such scholarship.

Parent education program

For the fiscal year ending June 30, 2007..... \$2,500,000

Special education services aid

For the fiscal year ending June 30, 2007..... \$1,225,000”;

Also on page 8, in line 36, by striking “\$30,679,133” and inserting “\$25,375,088”;

On page 9, following line 1, by inserting the following to read as follows:

“(e) On the effective date of this act, of the \$5,304,045 appropriated for the above agency for the fiscal year ending June 30, 2006, by section 113(c) of chapter 174 of the 2005 Session Laws of Kansas from the children’s initiatives fund in the general state aid four-year-old at-risk account, the sum of \$3,800,000 is hereby lapsed.

(f) (1) On July 1, 2006, the \$2,500,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 92(c) of 2006 Senate Bill No. 480 from the children’s initiatives fund in the parent education program account, is hereby lapsed.

(2) On July 1, 2006, the director of accounts and reports shall transfer the amount equal to any unencumbered balance in excess of \$100 as of June 30, 2006, in the parent education

program account of the children's initiatives fund from the children's initiatives fund to the state general fund and the amount equal to the amount transferred pursuant to this subsection (f)(2) is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, in the parent education program account of the state general fund.

(g) (1) On July 1, 2006, the \$5,304,045 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 92(c) of 2006 Senate Bill No. 480 from the children's initiatives fund in the general state aid four-year-old at-risk account, is hereby lapsed.

(2) On July 1, 2006, the director of accounts and reports shall transfer the amount equal to any unencumbered balance in excess of \$100 as of June 30, 2006, in the general state aid four-year-old at-risk account of the children's initiatives fund from the children's initiatives fund to the state general fund and the amount equal to the amount transferred pursuant to this subsection (g)(2) is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, in the general state aid account of the state general fund.

(h) (1) On July 1, 2006, the \$1,225,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 92(c) of 2006 Senate Bill No. 480 from the children's initiatives fund in the special education services aid account, is hereby lapsed.

(2) On July 1, 2006, the director of accounts and reports shall transfer the amount equal to any unencumbered balance in excess of \$100 as of June 30, 2006, in the special education services aid account of the children's initiatives fund from the children's initiatives fund to the state general fund and the amount equal to the amount transferred pursuant to this subsection (h)(2) is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, in the special education services aid account of the state general fund.”;

Also on page 9, in line 7, by striking “\$4,479,425” and inserting “\$7,005,083”; in line 11, by striking “\$430,089” and inserting “\$943,768”; by striking all in lines 12 through 26 and inserting the following to read as follows:

“(c) During the fiscal year ending June 30, 2007, notwithstanding the provisions of K.S.A. 75-3120l, and amendments thereto, or any other statute to the contrary, no expenditures shall be made from any moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay any amount of salary or other compensation, or associated employer contributions, to provide for any increase in salary or other compensation for any justice of the supreme court for fiscal year 2007 that is greater than a 2.0% increase in the salary or other compensation for such justice of the supreme court for fiscal year 2006: *Provided*, That, during the fiscal year ending June 30, 2007, expenditures shall be made from moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay the salary or other compensation, and associated employer contributions, for each justice of the supreme court for fiscal year 2007 that is equal to a 2.0% increase in the salary or other compensation paid to such justice of the supreme court for fiscal year 2006 otherwise in accordance with the provisions of K.S.A. 75-3120l, and amendments thereto: *Provided further*, That no provision of K.S.A. 75-3120f or 75-3120l, and amendments thereto, or any other statute, shall be deemed to provide or to otherwise authorize any increase in the monthly rate of salary or other compensation for any justice of the supreme court for fiscal year 2007 that is greater than a 2.0% increase in the salary or other compensation paid to such justice of the supreme court for fiscal year 2006: *And provided further*, That, during the fiscal year ending June 30, 2007, expenditures shall be made from moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay the salary or other compensation, and associated employer contributions, for each judge of the court of appeals in accordance with the provisions of K.S.A. 75-3120h and 75-3120l, and amendments thereto, except, that no provision of K.S.A. 75-3120l, and amendments thereto, or any other statute, shall be deemed to provide or to

otherwise authorize any increase in the monthly rate of salary or other compensation for any judge of the court of appeals for fiscal year 2007 that is greater than a 2.0% increase in any such salary or other compensation that is payable for fiscal year 2007 in accordance with the provisions of K.S.A. 75-3120h, as amended by 2006 House Substitute for Senate Bill No. 337: *And provided further*, That, during the fiscal year ending June 30, 2007, expenditures shall be made from moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay the salary or other compensation, and associated employer contributions, for each judge of a district court for fiscal year 2007 in accordance with the provisions of K.S.A. 75-3120g and 75-3120k, as amended by 2006 House Substitute for Senate Bill No. 337: *Provided, however*, That, notwithstanding any provision of K.S.A. 75-3120l, and amendments thereto, or any other statute to the contrary, the provisions of K.S.A. 75-3120l, and amendments thereto, shall not be construed to provide any increase in salary or other compensation for any judge of a district court for fiscal year 2007 and no expenditures shall be made from any moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay any amount of salary or other compensation, or associated employer contributions to provide for any increase in salary or other compensation for any judge of a district court for fiscal year 2007 in accordance with the provisions of K.S.A. 75-3120l, and amendments thereto: *And provided further*, That expenditures from moneys appropriated for the judicial branch from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, to pay the salary or other compensation, and associated employer contributions, for any justice of the supreme court, any judge of court of appeals or any judge of a district court for fiscal year 2007 are subject to appropriations available therefor: *And provided further*, That the provisions of section 128(q)(10)(B) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect: *And provided further*, That, as used in this subsection, "judge of a district court" means any district judge designated as the chief judge of a district court, any other district judge and any district magistrate judge.;

Also on page 9, by striking all in line 36; in line 37, by striking all preceding "crisis" and inserting "Rape"; in line 38, by striking "\$525,000" and inserting "\$300,000"; in line 40, by striking "\$364,000" and inserting "\$705,000"; by striking all in lines 41 and 42;

On page 10, following line 10, by inserting the following to read as follows:  
 "SIDS network grant

For the fiscal year ending June 30, 2007..... \$50,000

*Provided*, That expenditures shall be made by the department of health and environment from the SIDS network grant account for the SIDS network grant only upon certification by the secretary of health and environment to the director of accounts and reports that private moneys, or in kind services, or a combination of both, are available to match the expenditure of state moneys on the basis of \$1 of private moneys, or in kind services, or a combination of both, to \$1 of state moneys.

Domestic violence support training grant  
 For the fiscal year ending June 30, 2007..... \$225,000

*Provided*, That expenditures shall be made by the department of health and environment for domestic violence support training from the domestic violence support training grant account only upon certification by the secretary of health and environment to the director of accounts and reports that private moneys, or in kind services, or a combination of both, are available to match the expenditure of state moneys on the basis of \$1 of private moneys, or in kind services, or a combination of both, to \$1 of state moneys.

Pregnancy maintenance initiative grant  
 For the fiscal year ending June 30, 2007..... \$200,000

*Provided*, That expenditures shall be made by the department of health and environment from the pregnancy maintenance initiative grant account only upon certification by the secretary of health and environment to the director of accounts and reports that private

moneys, or in kind services, or a combination of both, are available to match the expenditure of state moneys on the basis of \$1 of private moneys, or in kind services, or a combination of both, to \$1 of state moneys.

Newborn hearing aid loaner program

For the fiscal year ending June 30, 2007..... \$50,000”;

Also on page 10, by striking all in lines 13 through 16, and by inserting the following to read as follows:

“*Provided*, That expenditures shall be made by the department of health and environment for youth mentoring from the youth mentoring program account of the state general fund only upon certification by the secretary of health and environment to the director of accounts and reports that private moneys, or in kind services, or a combination of both, are available to match the expenditure of state moneys on the basis of \$1 of private moneys, or in kind services, or a combination of both, to \$1 of state moneys: *Provided further*, That no expenditures shall be made by the department of health and environment — division of health from the youth mentoring program account for any payments to unified school districts or other private or public schools: *And provided further*, That no expenditures shall be made by the department of health and environment — division of health from the youth mentoring program account for any grant to any program in any community unless such program is a youth mentoring program or for any grant that supplants existing funding for a youth mentoring program.”;

By relettering the remaining subsections accordingly;

Also on page 10, in line 35, following “only” by inserting “subsequent to review and recommendation by the legislative budget committee and only”;

On page 11, preceding line 6, by inserting the following to read as follows:

“(d) In addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from the state general fund or any special revenue fund for fiscal year 2007 as authorized by section 86 of 2006 Senate Bill No. 480 or by this act or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the above agency to appoint an advisory committee to develop appropriate newborn screening guidelines and recommendations regarding any rule and regulation or statutory changes that would be required to implement the recommendations of the advisory committee: *Provided*, That the advisory committee shall report to the senate committee on ways and means and house committee on appropriations on or before January 1, 2007.

(e) On July 1, 2006, of the \$250,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 86(c) of 2006 Senate Bill No. 480 from the children’s initiatives fund in the PKU/hemophilia account, the sum of \$42,000 is hereby lapsed.”;

Also on page 11, in line 29, by striking “\$149,040” and inserting “\$20,067”;

On page 12, in line 7, by striking “\$684,036” and inserting “\$533,349”; by striking all in lines 8 through 19 and inserting:

“Youth mentoring — background checks

For the fiscal year ending June 30, 2007..... \$100,000

*Provided*, That expenditures shall be made by the attorney general — Kansas bureau of investigation from the youth mentoring — background checks account for record checks for individuals applying to participate as a mentor in a mentoring program only upon certification by the director of the Kansas bureau of investigation to the director of accounts and reports that private moneys are available to match the expenditure of state moneys from this account on the basis of \$1 of private moneys to \$1 of state moneys.”;

By relettering the remaining subsections accordingly;

Also on page 12, preceding line 29, by inserting the following to read as follows:

“(d) 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 as follows: IMA building purchase and Great Bend laboratory renovation

For the fiscal year ending June 30, 2007..... \$2,354,475

*Provided*, That all expenditures from the IMA building purchase and Great Bend laboratory renovation account shall be for capital improvement projects for acquisition of the IMA

building; for laboratory renovations, security, and communications at the Headquarters and IMA building; and to finish the second floor of the Great Bend laboratory.

(e) In addition to the other purposes for which expenditures may be made by the attorney general — Kansas bureau of investigation from the operating expenditures account of the state general fund for fiscal year 2007, expenditures may be made by the attorney general — Kansas bureau of investigation from the operating expenditures account of the state general fund to provide funding for the automated fingerprint identification system 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, if federal funds for such system are not going to be received by the above agency during fiscal year 2007: *Provided, however*, That expenditures by the above agency from the operating expenditures account of the state general fund for such purpose during fiscal year 2007 shall not exceed \$752,070.

(f) Notwithstanding the provisions of section 151(b) of 2006 Senate Bill No. 480, no expenditures shall be made by the attorney general — Kansas bureau of investigation from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2006 or fiscal year 2007 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 capital improvement projects for acquisition of the IMA Building and to finish the second floor of the Great Bend laboratory: *Provided*, That the approval of such capital improvement projects for the attorney general — Kansas bureau of investigation is specifically withdrawn for all purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto: *Provided further*, That the authorization for the issuance of bonds by the Kansas development finance authority for such capital improvement projects in accordance with that statute is specifically revoked and the Kansas development finance authority shall not issue bonds for such capital improvement projects under section 151(b) of 2006 Senate Bill No. 480: *And provided further*, That the provisions of section 151(b) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect.”;

Also on page 12, in line 35, by striking “\$161,822” and inserting “\$111,938”; in line 39, by striking “\$17,673,913” and inserting “\$17,422,134”;

On page 13, preceding line 5, by inserting the following to read as follows:

“(d) The director of accounts and reports shall not make the transfer of \$8,639,668 from the state highway fund of the department of transportation to the state general fund which was directed to be made on July 1, 2006, October 1, 2006, January 1, 2007, and April 1, 2007, by section 113(i) of 2006 Senate Bill No. 480 and, on July 1, 2006, the provisions of section 113(i) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect.”;

Also on page 13, in line 12, by striking “\$26,728” and inserting “\$92,701”; preceding line 13, by inserting the following to read as follows:

“(b) On July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of 2006 Senate Bill No. 480 for the Kansas sentencing commission is hereby increased from 8.00 to 9.00.”;

Also on page 13, in line 21, by striking “\$4,000,000” and inserting “\$4,588,429”; in line 28, preceding the period, by inserting: “: *Provided, however*, That, after moneys have been expended or encumbered from the conservation easements account for the United States department of defense army compatible use buffer program, any unencumbered balance remaining in the conservation easements account may be expended for the United States department of agriculture natural resources conservation service farm and ranch lands protection program”; in line 43, by striking “2006” and inserting “2007”;

On page 14, preceding line 6, by inserting the following to read as follows:

“(d) On July 1, 2006, the amount of the unencumbered balance in the state water plan fund on June 30, 2006, is hereby appropriated for fiscal year 2007 to the conservation reserve enhancement program account of the state water plan fund of the state conservation commission: *Provided*, That the amount appropriated by this subsection for fiscal year 2007 from the state water plan fund in the conservation reserve enhancement program account of the state water plan fund of the state conservation commission shall not exceed \$411,571.”;

Also on page 14, by striking all in line 11; in line 12, by striking "\$147,160" and inserting "\$50,000"; by striking all in lines 13 through 22; in line 23, by striking "(e)" and inserting "(b)"; by striking all in lines 27 through 43;

On page 15, by striking all in lines 1 through 3 and inserting the following to read as follows:

"(c) (1) On the effective date of this act, the expenditure limitation established by section 50(a) of 2006 Senate Bill No. 480 on the water conservation projects fund is hereby increased from \$733,058 to \$745,036.

(2) During the fiscal year ending June 30, 2006, expenditures may be made from the water conservation projects fund for reimbursements provided pursuant to subsection (d) of K.S.A. 82a-1803, and amendments thereto, to the following, within the expenditure limitation established by subsection (c)(1), subject to the expenditure limitations prescribed therefor:

Kearney County irrigation association	
For the fiscal year ending June 30, 2006.....	\$98,651
Southside Ditch association	
For the fiscal year ending June 30, 2006.....	\$44,100
Finney County water users association	
For the fiscal year ending June 30, 2006.....	\$50,285

*Provided*, That all expenditures from each such project account shall be within any expenditure limitation imposed on the water conservation projects fund for fiscal year 2006.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the water conservation projects fund for the fiscal years ending June 30, 2006, and June 30, 2007, as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480, or by this or other appropriation act of the 2006 regular session of the legislature, expenditures may be made by the above agency from the water conservation projects fund for fiscal year 2006 and fiscal year 2007 for the purpose of feasibility studies for projects including: (1) Alternate delivery system around Lake McKinney, (2) capacity storage and control structures at Lake McKinney, (3) lining of the southside ditch, (4) alternate delivery system for the farmers ditch, (5) recharge projects, (6) Arkansas River channel restoration and maintenance, and (7) check dams and structures: *Provided*, That the aggregate of expenditures from the water conservation projects fund for these projects during the fiscal years ending on June 30, 2006, and June 30, 2007, shall not exceed \$552,000.

(e) (1) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 121(b) of 2006 Senate Bill No. 480 on the water conservation projects fund is hereby increased from \$0 to \$3,152,000.

(2) In addition to the other purposes for which expenditures may be made by the above agency from the water conservation projects fund for the fiscal year ending June 30, 2007, as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures may be made by the above agency from the water conservation projects fund for fiscal year 2007 for the purpose of feasibility studies for projects specified in subsection (d) and for projects to reduce leakage by lining the southside ditch and developing an alternate southside canal water delivery system in the Arkansas River system upstream of Garden City: *Provided*, That expenditures from the water conservation projects fund for fiscal year 2007 for such projects to reduce leakage by lining the southside ditch and developing an alternate southside canal water delivery system in the Arkansas River system upstream of Garden City shall be in addition to expenditures for the projects specified in subsection (d): *Provided, however*, That the aggregate of expenditures from the water conservation projects fund for fiscal year 2007 for such projects to reduce leakage by lining the southside ditch and developing an alternate southside canal water delivery system in the Arkansas River system upstream of Garden City shall not exceed \$2,500,000.";

Also on page 15, by striking all in lines 16 through 22, and inserting the following to read as follows:

“Nurse educator grant program

For the fiscal year ending June 30, 2007..... \$200,000

*Provided*, That the state board of regents is hereby authorized to make grants to qualified individuals from the nurse educator grant program account: *Provided further*, That such grants shall be awarded to Kansas residents who are registered nurses and enrolled in an accredited program leading to a master of science degree in nursing or a doctorate degree in nursing at a state educational institution or another institution of higher education located in Kansas: *And provided further*, That each grant to an individual enrolled at a state educational institution shall not exceed 70% of the cost of attendance for an individual enrolled at the state educational institution or, if the individual is enrolled at an institution other than a state educational institution, then the grant shall not exceed the lower of either 70% of the cost of attendance of the institution of higher education located in Kansas at which the individual is enrolled or the average cost of attendance at the state educational institutions: *And provided further*, That such grants shall be matched on the basis of \$2 from the nurse educator grant program account for \$1 from the state educational institution or the other institution of higher education located in Kansas: *And provided further*, That, as used in this proviso, “state educational institution” has the meaning ascribed thereto by K.S.A. 76-711 and amendments thereto.”;

Also on page 15, in line 24, by striking “\$1,800,000” and inserting “\$1,200,000”; in line 29, by striking all after “competitive”; in line 30, by striking all preceding “institution” and inserting “and shall be matched on the basis of \$1 from the nurse faculty and supplies grant program account for \$1 from the state educational”; in line 37, by striking all after “competitive”; in line 38, by striking all preceding “institution” and inserting “and shall be matched on the basis of \$2 from the nursing equipment and facility upgrade grant program account for \$1 from the state educational”; by striking all in lines 39 through 43;

On page 16, by striking all in lines 1 through 3; by striking all in lines 6 through 10 and inserting the following to read as follows:

“*Provided*, That, if 2006 Senate Bill No. 2578 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$300,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the special education teacher scholarship program account is hereby lapsed.”;

Also on page 16, by striking all in lines 13 through 17 and inserting the following to read as follows:

“*Provided*, That, if 2006 House Bill No. 2578 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$86,115 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the teacher education scholarship program account is hereby lapsed.”;

Also on page 16, preceding line 20, by inserting the following to read as follows:

“KAN-ED operating expenditures

For the fiscal year ending June 30, 2007..... \$2,000,000”;

Also on page 16, by striking all in lines 23 through 27; in line 28, by striking “(d)” and inserting “(c)”; following line 40, by inserting the following to read as follows:

“(d) In addition to the other purposes for which expenditures may be made from the operations (including official hospitality) account of the state general fund or the legislative special revenue fund of the legislature for fiscal year 2007, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund or the legislative special revenue fund, for operating expenditures of a KAN—ED oversight committee, which shall consist of members appointed as follows: (1) One member of the house appropriations, education, health and human services and utility committees appointed by the speaker of the house of representatives; (2) one member of the senate ways and means, education, public health and welfare, commerce and utilities committees appointed by the president of the senate; and (3) a member of the joint committee on information technology appointed jointly by the speaker of the house of representatives and the president of the senate: *Provided*, That the minority party shall receive appointments in an amount of members not less than the proportional representation of the minority party to the majority party in each body: *Provided further*, That, as used in this subsection “com-

mittee” means the KAN-ED oversight committee: *And provided further*, That operating expenditures shall be incurred for the committee in accordance with the following:

(A) Members of the committee shall be paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto;

(B) the committee shall elect a chairperson and may elect such other officers as the committee deems necessary to carry out the functions of the committee;

(C) the committee shall meet on call of the chairperson;

(D) the committee may meet at any time or place in the state and may hold such public hearings as the committee determines necessary to carry out the functions of the committee;

(E) the committee shall study the original objectives and goals of KAN—ED and whether such objectives and goals have been accomplished;

(F) recommendations for statutory changes needed to make KAN—ED a more viable program, consolidation of KAN—ED with other state networks, the funding of KAN-ED, and the possible addition of other entities to the list of entities served by KAN—ED;

(G) on or before January 1, 2007, the committee shall submit a report addressing the matters specified by paragraphs (E) and (F) of this subsection;

(H) a quorum of the committee shall be six and all actions of the committee shall be taken by a majority of a quorum of the committee; and

(I) the staff of the legislative research department, the office of revisor of statutes, and the division of the legislative administrative services shall provide such assistance as may be required by the committee and to the extent authorized by the legislative coordinating council.”;

On page 17, by striking all in lines 10 through 13 and inserting the following to read as follows:

“*Provided*, That, if 2006 House Bill No. 3005 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$100,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the veterinary training program for rural Kansas account is hereby lapsed.”;

Also on page 17, following line 13, by inserting the following to read as follows:

“(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:

Deferred maintenance support fund	
For the fiscal year ending June 30, 2007.....	\$0
For the fiscal year ending June 30, 2008.....	No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(d) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the

state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 17, by striking all in lines 18 and 19 and inserting the following to read as follows:

“Midwest institute for comparative stem cell biology  
For the fiscal year ending June 30, 2007..... \$150,000”;

Also on page 17, following line 26, by inserting the following to read as follows:  
“Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0  
For the fiscal year ending June 30, 2008..... No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(d) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 17, in line 27, by striking “(c)” and inserting “(e)”;  
On page 18, by striking all in lines 16 through 19; in line 20, by striking “(b)” and inserting “(a)”;

following line 27, by inserting the following to read as follows:

“Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0  
For the fiscal year ending June 30, 2008..... No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 18, by striking all in lines 32 and 33 and inserting the following to read as follows:

“Umbilical cord matrix project

For the fiscal year ending June 30, 2007..... \$150,000

(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:

Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0

For the fiscal year ending June 30, 2008..... No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily

balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(d) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 18, by striking all in lines 36 through 39 and inserting the following to read as follows:

“(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:

Deferred maintenance support fund

For the fiscal year ending June 30, 2007.....	\$0
For the fiscal year ending June 30, 2008.....	No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 18, by striking all in lines 42 and 43;

On page 19, by striking all in lines 1 and 2 and inserting the following to read as follows:

“(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:

Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0

For the fiscal year ending June 30, 2008..... No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 19, by striking all in lines 5 through 8 and inserting the following to read as follows:

“(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:

Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0

For the fiscal year ending June 30, 2008..... No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

Also on page 19, by striking all in lines 11 through 14 and inserting the following to read as follows:

“(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:

Deferred maintenance support fund

For the fiscal year ending June 30, 2007..... \$0

For the fiscal year ending June 30, 2008..... No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily

balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the general fees fund or the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall:

(1) On or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund of the above agency, which is hereby established in the state treasury, an amount equal to the aggregate interest earnings of the general fees fund of the above agency based on:

(A) The average daily balance of moneys in the general fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month; and

(2) on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(A) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 31.

KANSAS STATE UNIVERSITY — EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(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:

Deferred maintenance support fund	
For the fiscal year ending June 30, 2007.....	\$0
For the fiscal year ending June 30, 2008.....	No limit

*Provided*, That expenditures shall be made from the deferred maintenance support fund for projects for rehabilitation, maintenance and repairs of buildings and facilities of the above agency: *Provided, however*, That, if no deferred maintenance projects or other expenditures are required to be made for the buildings or other facilities of the above agency during fiscal year 2008, then expenditures may be made by the above agency from the deferred maintenance support fund for operating expenditures during fiscal year 2008: *Provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund interest earnings based on: (1) The average daily balance of moneys in the deferred maintenance support fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2005 Supp. 76-719, as amended by section 11 of 2006 House Substitute for Substitute for Senate Bill No. 85, or any other statute, and amendments thereto, the director of accounts and reports shall not transfer any amount from the state general fund to the restricted fees fund of the above agency.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of 2006 House Substitute for Substitute for Senate Bill No. 85, the director of accounts and reports shall, on or before the 10th day of each month, transfer from the state general fund to the deferred maintenance support fund for the above agency interest earnings based on:

(1) The average daily balance of moneys in the restricted fees fund of the above agency for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.”;

And by renumbering the remaining sections accordingly;

Also on page 19, preceding line 34, by inserting the following material to read as follows: “Parental modeling program grant

For the fiscal year ending June 30, 2007.....	\$750,000
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*Provided*, That all expenditures from the parental modeling program grant account by the juvenile justice authority shall be to develop parental modeling programs with the goal of maintaining families: *Provided further*, That such expenditures shall be used only for programs which are contained in the office of juvenile justice and delinquency prevention model programs guide and which meet federal qualifications and requirements to be eligible to receive medicaid reimbursement for services to medicaid eligible participants.”;

On page 20, by striking all in lines 15 and 16 and inserting the following to read as following:

“Kansas health policy authority operating expenditures

For the fiscal year ending June 30, 2007.....	\$1,573,763”;
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Also on page 20, in line 18, by striking “\$8,006,600” and inserting “\$3,463,794”; by striking all in lines 19 through 43;

On page 21, by striking all in lines 1 through 4; in line 5, by striking “(d)” and inserting “(b)”;

in line 20, by striking “\$60” and inserting “\$50”; in line 28, by striking “\$30” and inserting “\$20”; preceding line 29, by inserting the following to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from the state general fund or any special revenue fund for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the above agency to study rebates for the state pharmaceutical purchasing plan, including the possibility of increasing rebates for generic products, in light of the consolidation of state purchasing under the Kansas health policy authority: *Provided*, That the Kansas health policy authority shall conduct a survey of Kansas retail community pharmacies or utilize a recently conducted national survey of a statistically relevant sample of pharmacies, to determine the cost of dispensing pharmaceutical products and services within the Kansas medicaid program: *Provided further*, That such study shall be conducted on or before September 30, 2006: *And provided further*, That the Kansas health policy authority shall present the cost of dispensing survey, analysis and recommendations of the Kansas health policy authority to the joint committee on health policy oversight on or before November 30, 2006.

(d) On July 1, 2006, the \$500,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 89(a) of 2006 Senate Bill No. 480 from the state general fund in the business health partnership account, is hereby lapsed.

(e) On July 1, 2006, the expenditure limitation established by section 89(b) of 2006 Senate Bill No. 480 on the medical programs fee fund is hereby increased from \$67,789,636 to \$88,489,636.

(f) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or any special revenue fund for fiscal year 2007 to enter into a three-year contract for a pilot project for efficient and effective medicaid estate recovery services with a provider who is qualified and experienced in the area of medicaid estate recovery for state government and who is currently involved in medicaid estate recovery or medicaid third-party liability recoveries for Kansas: *Provided*, That, reimbursement for such contract shall be on a contingent fee basis: *Provided further*, That the Kansas health policy authority shall report to the legislature prior to February 1 of each year during such pilot project on the results of the medicaid estate recovery pilot project and the distribution of medicaid estate recovery collections by county.

(g) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special

revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority for fiscal year 2007 from the moneys appropriated from the state general fund or any special revenue fund during the period beginning July 1, 2006, and ending March 1, 2007, to continue MediKan eligibility for those new applicants and current recipients during such period that are found not to meet the criteria established for the presumptive disability determination process established by the Kansas health policy authority, but who otherwise meet the general assistance eligibility criteria: *Provided*, That, in addition to the other positions within the Kansas health policy authority in the unclassified service as prescribed by law, expenditures shall be made from the operating expenditures account of the state general fund for two employees in the unclassified service to implement the provisions of this subsection.

(h) During the fiscal year ending June 30, 2007, notwithstanding the provisions of section 89(g) of 2006 Senate Bill No. 480 or any other statute, expenditures may be made from any moneys appropriated for the Kansas health policy authority from the state general fund or any special revenue fund for fiscal year 2007 as authorized by this or other appropriation act of the 2006 regular session of the legislature for the state health care benefits program for prescription drug coverage for participating state employees and other eligible persons or their dependents, whether or not such prescription drug coverage allows such persons and their dependents to purchase a supply of prescription drugs during calendar year 2007 from local pharmacies at an equal or lesser cost to the consumer than the cost to purchase an equal supply of such prescription drugs through the mail-order pharmacy program of the state health care benefits program for the same period for which a supply of such drugs is available under the consumer's selected plan under the state health care benefits program: *Provided*, That the provisions of section 89(g) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect.

(i) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2006 or fiscal year 2007 for the Kansas health policy authority as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority for fiscal year 2006 or for fiscal year 2007, or both such fiscal years, from the moneys appropriated from the state general fund or any special revenue fund to conduct a review and study of the issues relating to specialty hospitals and a review and study of the Kansas hospital licensure laws and to prepare and adopt recommendations concerning these issues and, in particular, appropriate definitions for "general hospital," "special hospital" and "specialty hospital" so that the definitions under the Kansas hospital licensure laws properly define specific categories of hospitals for licensure as necessary to reflect current medical facilities: *Provided*, That the Kansas health policy authority shall complete such review and study of such matters and adopt recommendations thereon prior to March 1, 2007, and shall submit a report on all such matters to the legislature during the 2007 regular session.

(j) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by chapter 174 or 206 of the 2005 Session Laws of Kansas or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007, to provide a report to the joint committee on health policy oversight prior to March 1, 2007, regarding the status of the title XIX and title XXI dental programs: *Provided*, That the Kansas health policy authority shall make recommendations for the long-term policy direction for the title XIX and title XXI dental programs regarding whether these programs will be administered as managed care or as fee-for-service programs.

(k) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special

revenue fund for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 to prepare a report to the 2007 legislature to be presented on or before the first day of the 2007 regular session of the legislature to the house committee on appropriations and the senate committee on ways and means regarding the implementation of presumptive eligibility for the title XIX and XXI programs: *Provided*, That the report shall include a detailed description of the plan for the implementation at both the state and provider level, as well as the anticipated number of children served and the cost of providing services under this program: *Provided further*, That no expenditures shall be made to implement the program prior to April 1, 2007.

(l) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007, to study (1) the implementation of a requirement that each medicaid consumer present a Kansas current resident driver's license, state-issued identification card or a federally-issued passport at the time such consumer receives medicaid services, (2) the development of rules and regulations to address the need for third parties to access services for consumers under the state medicaid plan, (3) the development of hardship criteria and a process for paying for a driver's license or state-issued identification card for hardship-qualifying medicaid consumers with state funds that are matched at the highest allowable federal rate, and (4) the feasibility of implementing a plastic card with photo identification to access benefits under the state medicaid plan: *Provided*, That the Kansas health policy authority shall report the results of such study to the legislature on or before January 1, 2007.

(m) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007, to study the Massachusetts commonwealth health insurance connector program and provide a report to the legislature on or before February 1, 2007, on the feasibility of implementing a similar plan in Kansas.

(n) On July 1, 2006, the amount equal to the unencumbered balance on June 30, 2006, in the Kansas legal services contract for disability determination advocacy account of the state general fund of the department of social and rehabilitation services is hereby appropriated for fiscal year 2007 from the state general fund for the Kansas health policy authority in the Kansas health policy authority operating expenditures account.

(o) No moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or any other appropriation act of the 2006 regular session of the legislature shall be expended under the state health care benefits program, K.S.A. 75-6501 *et seq.*, and amendments thereto, to provide health insurance coverage for any medical procedure which is intended to result in the termination of a pregnancy other than by live birth, except in a case of (1) termination of a tubal pregnancy, (2) termination of a pregnancy where the life of the mother would be endangered if the fetus were carried to term, or (3) termination of a pregnancy resulting from rape or incest prior to the eighth week of pregnancy.”;

Also on page 21, by striking all in lines 31 through 34; in line 35, by striking “(b)” and inserting “(a)”; preceding line 40, by inserting the following to read as follows:

“(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:

## State affordable airfare fund

For the fiscal year ending June 30, 2007..... \$5,000,000

(c) (1) On July 1, 2006, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2007 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2007 to the state affordable airfare fund of the department of commerce.

(2) On or after July 1, 2007, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during fiscal year 2007 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2008 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2008 to the state affordable airfare fund of the department of commerce.

(3) On or after July 1, 2008, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during fiscal year 2008 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2009 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2009 to the state affordable airfare fund of the department of commerce.

(4) On or after July 1, 2009, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during fiscal year 2009 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2010 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute,

transfers may be made from the state highway fund during fiscal year 2010 to the state affordable airfare fund of the department of commerce.

(5) On or after July 1, 2010, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during fiscal year 2010 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund of the department of transportation to the state affordable airfare fund of the department of commerce: *Provided*, That, in addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2011 and, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers may be made from the state highway fund during fiscal year 2011 to the state affordable airfare fund of the department of commerce.”;

On page 22, preceding line 27, by inserting the following to read as follows: “*Provided*, That, of the moneys appropriated in the community based services account for fiscal year 2007 by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, which are related to the home and community based services for persons with physical disabilities waiver, the secretary of social and rehabilitation services shall determine the portion of such funding to be used for reducing the waiting list for such waiver and the portion of such funding to be used for increasing compensation for persons caring for individuals receiving services under such waiver: *Provided further*, That the department of social and rehabilitation services shall report the decision regarding this issue to the legislative budget committee on or before August 31, 2006.”;

Also on page 22, in line 31, by striking “\$569,351” and inserting “\$477,351”; preceding line 32, by inserting the following to read as follows: “Cash assistance

For the fiscal year ending June 30, 2007..... \$400,000  
*Provided*, That expenditures shall be made by the department of social and rehabilitation services from the cash assistance account to study and prepare recommendations for a long-term plan for the provision of Level V and Level VI services: *Provided further*, That the department of social and rehabilitation services shall report such recommendations to the house committee on appropriations and the senate committee on ways and means during the 2007 regular session of the legislature on or before January 31, 2007.”;

Also on page 22, by striking all in lines 34 and 35 and inserting the following to read as follows:

“For the fiscal year ending June 30, 2007 ..... \$500,000  
*Provided*, That, of the moneys appropriated from the state general fund for the department of social and rehabilitation services for fiscal year 2007 in the youth services aid and assistance account by 2006 Senate Bill No. 480 or by this or another appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2007 to develop parental modeling programs with the goal of maintaining families: *Provided further*, That such expenditures shall be used only for programs which meet federal qualifications and requirements to be eligible to receive medicaid reimbursement for services to medicaid eligible participants.”;

Also on page 22, by striking all in line 37; in line 38, by striking “\$680,118” and inserting “\$296,828”;

On page 23, by striking all in lines 1 through 4 and inserting the following to read as follows:

“Kansas legal services contract for disability determination advocacy  
For the fiscal year ending June 30, 2006..... \$150,000  
*Provided*, That, on July 1, 2006, any unencumbered balance in the Kansas legal services

contract for disability determination advocacy account of the state general fund of the department of social and rehabilitation services is hereby lapsed.

(b) On the effective date of this act, of the \$2,243,622 appropriated for the above agency for the fiscal year ending June 30, 2006, by section 9(a) of chapter 206 of the 2005 Session Laws of Kansas from the state general fund in the Larned state hospital — operating expenditures account, the sum of \$116,148 is hereby lapsed.”;

Also on page 23, in line 8, by striking “3848.12 to 3655.11” and inserting “3,848.12 to 3,655.11”; in line 21, by striking “972.20” and inserting “966.20”; by striking all in lines 22 through 43;

On page 24, by striking all in lines 1 through 20;

On page 25, following line 6, by inserting the following to read as follows:

“Kansas criminal justice recodification, rehabilitation and restoration project

For the fiscal year ending June 30, 2006..... \$100,000

*Provided*, That any unencumbered balance in the Kansas criminal justice recodification, rehabilitation and restoration project account in excess of \$100 as of June 30, 2006, is hereby reapportioned for fiscal year 2007: *Provided further*, That, in addition to the other purposes for which expenditures may be made by the department of corrections from moneys appropriated from the state general fund or any special revenue fund during the fiscal year ending June 30, 2007, for the department of corrections as authorized by this or other appropriation act of 2006 regular session of the legislature, if 2006 House Bill No. 2555 or any other bill which continues the Kansas criminal recodification, rehabilitation and restoration project beyond June 30, 2006, is not enacted into law during the 2006 regular session of the legislature, expenditures shall be made by the secretary of corrections to continue the Kansas criminal justice recodification, rehabilitation and restoration project in accordance with and subject to the provisions of K.S.A. 2005 Supp. 22-5101 in effect on June 30, 2006, until June 30, 2007.”;

Also on page 25, in line 20, by striking all after “from”; in line 21, by striking all before the period and inserting “3,107.70 to 3,108.70”; in line 27, by striking “\$10,009” and inserting “\$40,344”; preceding line 28, by inserting the following to read as follows:

“*Provided*, That, if 2006 Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, of the \$40,344 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the parole from adult correctional institutions account, the sum of \$30,335 is hereby lapsed.”;

Also on page 25, in line 39, by striking “\$1,000” and inserting “\$46,000”; preceding line 40, by inserting the following to read as follows:

“(b) In addition to the other purposes for which expenditures may be made by the Kansas human rights commission from the operating expenditures account of the state general fund for fiscal year 2007 as authorized by section 73(a) of 2006 Senate Bill No. 480, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 2007 for operating expenditures to implement 2006 House Bill No. 2582: *Provided*, That expenditures for such purpose from the operating expenditures account of the state general fund for fiscal year 2007 shall not exceed \$1,000.”;

On page 26, by striking all in lines 3 through 7 and inserting the following to read as follows:

“*Provided*, That, if 2006 Senate Bill No. 332 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by this subsection from the state general fund in the operating expenditures account is hereby lapsed.”;

Also on page 26, in line 13, after “continued” by inserting “in existence”; by striking all in line 43;

On page 27, by striking all in lines 1 through 5; preceding line 12, by inserting the following to read as follows:

“Legal services for prisoners

For the fiscal year ending June 30, 2007..... \$16,687”;

Also on page 27, in line 12, after “2007” by inserting a comma; in line 20, following “(a)”

by inserting "(1)"; in line 23, by striking "\$12,241,251" and inserting "\$12,358,030"; preceding line 24, by inserting the following:

"(2) On July 1, 2006, if 2006 House Substitute for Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then the expenditure limitation on the workmen's compensation fee fund established by subsection (a)(1) is hereby decreased from \$12,358,030 to \$12,228,176.";

On page 28, in line 6, by striking "\$1,096,998" and inserting "\$632,248"; following line 12, by inserting the following to read as follows:

*Provided*, That expenditures shall be made by the Kansas animal health department from the operating expenditures account of the state general fund to establish a feral swine monitoring and reporting system, which shall include collection of reports of feral swine by a toll-free telephone number, postcard, or electronic communication through the internet to the Kansas animal health department, and the Kansas animal health department shall maintain a database of information collected through such feral swine monitoring and reporting system, which shall also be made available to the Kansas pork industry to accomplish the goal of eradicating feral swine: *Provided further*, That the Kansas animal health department shall compile quarterly reports of the information collected through such feral swine monitoring and reporting system and shall make such information available to the public and the Kansas pork industry: *And provided further*, That the Kansas animal health department shall incorporate methods intended to control and eradicate feral swine, including, but not limited to, aerial hunting, trapping, snaring and the establishment of a bounty program.";

Also on page 28, in line 18, by striking "\$11,630" and inserting "\$171,630"; in line 21, by striking all following "fund"; by striking all in lines 22 through 27; in line 28, by striking all preceding the period; in line 32, by striking "\$38,691,821" and inserting "\$38,780,275: *Provided*, That, if 2006 Senate Bill No. 506 has not been passed by the legislature during the 2006 regular session of the legislature and enacted into law, then, on July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by this subsection on the division of vehicles operating fund is hereby decreased from \$38,780,275 to \$38,680,275"; in line 33, following "(d)" by inserting "(1)"; following line 39, by inserting the following to read as follows:

"(2) The secretary of revenue shall certify the amount expended, not to exceed \$100,000, on activities related to implementation of 2006 Senate Bill No. 506 to the director of accounts and reports on or before April 1, 2007. The director of accounts and reports shall reduce the amount of the transfer to be made on April 1, 2007, under subsection (d)(1) by the amount equal to the difference between \$100,000 and the amount certified by the secretary of revenue under this subsection (d)(2).";

On page 29, in line 6, before "notwithstanding" by inserting a comma; in line 7, before "2006" by inserting "section 2 of"; in line 10, preceding the period, by inserting ": *Provided further*, That the aggregate of payments from the Kansas qualified biodiesel fuel producer incentive fund during the fiscal year ending June 30, 2007, shall not exceed \$437,500"; preceding line 11, by inserting the following to read as follows:

"(g) In addition to the other purposes for which expenditures may be made by the department of revenue from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2007, as authorized by section 78(a) of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of revenue from the operating expenditures account of the state general fund for fiscal year 2007 to establish and maintain toll-free telephone lines for the purpose of providing assistance to taxpayers: *Provided*, That such telephone lines shall be adequately staffed and maintained by the department of revenue: *Provided, however*, That expenditures for this purpose may be limited by the secretary of revenue to specific instances where it appears the department of revenue staff made errors concerning taxpayer returns or other matters.

(h) In addition to the other purposes for which expenditures may be made by the department of revenue from moneys appropriated from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2007, as authorized by section 70(a) of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of revenue from

moneys appropriated from the operating expenditures account of the state general fund for fiscal year 2007 to prepare a report to the 2007 legislature to be presented on or before February 1, 2007, to the house committee on appropriations and the senate committee on ways and means regarding the expenditures to implement the provisions of 2006 Senate Bill No. 432: *Provided*, That the report shall include a detailed description of the amounts and types of expenditures made by the department of revenue to implement the provisions of 2006 Senate Bill No. 432.”;

Also on page 29, by striking all in lines 13 through 16; in line 17, by striking “(b)” and inserting “(a)”; in line 21, by striking “\$15,156,826” and inserting “\$15,283,326”; preceding line 22, by inserting the following to read as follows:

“(b) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 74(e) of 2006 Senate Bill No. 480 on the public service regulation fund for expenses of the Kansas electric transmission authority is hereby increased from \$30,000 to \$70,000.”;

Also on page 29, in line 33, by striking “\$1,627,847” and inserting “\$1,000,000”; by striking all in lines 34 and 35 and inserting the following to read as follows:

“Programs grants — nutrition — state match  
For the fiscal year ending June 30, 2007..... \$23,736  
Program grants — rural nutrition — pilot program  
For the fiscal year ending June 30, 2007..... \$25,000”;

Also on page 29, in line 40, by striking “\$4,188,528” and inserting “\$598,088”; by striking all in lines 41 through 43;

On page 30, by striking all in line 1, and inserting the following to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from moneys reappropriated in the LTC — medicaid assistance — NF account of the state general fund for fiscal year 2007 as authorized by section 88(a) of 2006 Senate Bill No. 480, by this act or by any other appropriation act of the 2006 regular session of the legislature, the secretary of aging shall make expenditures from the initial \$3,590,440 reappropriated from the LTC — medicaid assistance — NF account of the state general fund for fiscal year 2007 to increase nursing facility reimbursement rates: *Provided*, That, notwithstanding the provisions of section 88(a) of 2006 Senate Bill No. 480 or any other statute, the secretary of aging shall implement a base-year model of reimbursement for nursing facilities for state fiscal year 2007 in accordance with this subsection: *Provided further*, That information from the 2003, 2004, and 2005 cost reports shall be averaged together to be used to calculate the base year. *And provided further*, That the secretary of aging shall not apply the 85% rule regarding number of beds filled for nursing facilities with 60 licensed beds or less to determine nursing facility reimbursement rates.”;

Also on page 30, preceding line 18, by inserting the following to read as follows:

“*Provided*, That expenditures from the veterans claims assistance program — service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided however*, That no expenditures shall be made by the Kansas commission on veterans affairs from the veterans claim assistance program — service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of 2006 House Substitute for Senate Bill No. 396.”;

Also on page 30, in line 23, by striking “\$651,699” and inserting “\$554,000”; by striking all in lines 24 and 25;

On page 31, preceding line 13, by inserting the following to read as follows:

“(c) During the fiscal year ending June 30, 2007, notwithstanding the provisions of any statute or any rules and regulations to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2007, for the secretary of administration to provide parking for state employees on state-owned parking lots located within the state capitol area, as defined by subsection (c) of K.S.A. 75-2240a and amend-

ments thereto, without charge or cost to such employees for such parking: *Provided*, That this subsection shall not apply to parking garages or other parking structures in such state capitol area or to any state-owned parking lots for which revenues have been pledged to repay bonds issued for the construction of any of such parking garages, structures or lots: *Provided further*, That the secretary of administration shall continue to administer access to state-owned parking lots in the present manner, including use of hang tags and waiting lists for specific parking lots in order to ensure orderly parking: *And provided further*, That the secretary of administration shall make expenditures from moneys appropriated from the state buildings operating fund or any other special revenue funds for the purpose of maintaining the parking lots.”;

Also on page 31, preceding line 19, by inserting the following:

“(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:

Racing and gaming reserve fund

For the fiscal year ending June 30, 2007..... \$0

*Provided*, That moneys deposited in the racing and gaming reserve fund for the fiscal year 2007 shall be subject to the provisions in section 61: *Provided further*, That any unencumbered balance in the racing and gaming reserve fund in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(c) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 80(a) of 2006 Senate Bill No. 480 on the state racing fund is hereby increased from \$2,446,877 to \$2,700,000.

(d) Notwithstanding the provisions of K.S.A. 74-8831 and amendments thereto or any other statute, the director of accounts and reports shall not make the transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2006, by subsection (b)(1) of K.S.A. 74-8831 and amendments thereto.

(e) On July 1, 2006, the director of accounts and reports shall not make the transfer from the state general fund to the tribal gaming fund of the above agency to be made on July 1, 2006, by section 80(b) of 2006 Senate Bill No. 480.

(f) On July 1, 2006, the director of accounts and reports shall transfer \$450,000 from the state general fund to the racing and gaming reserve fund of the above agency.

Sec. 61.

KANSAS RACING AND GAMING COMMISSION

(a) Notwithstanding the provisions of K.S.A. 74-8829, 74-8831 and 74-8838 and amendments thereto, or the provisions of any other statute, moneys in the horse fair racing benefit fund, the Kansas horse breeding development fund, and the Kansas greyhound breeding development fund may be transferred to the state racing fund for the purpose of supplementing the revenues during fiscal year 2006 and fiscal year 2007 as determined under provisions of subsections (b) and (c) of this section.

(b) During the fiscal year ending June 30, 2006, the director of the budget and the director of the legislative research department shall consult periodically and review the balance in and the estimated receipts to be credited to the state racing fund during fiscal year 2006 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 state racing fund during fiscal year 2006 are insufficient to finance the budgeted expenditures for fiscal year 2006 in accordance with the provisions of appropriation acts, the director of the budget shall certify to the director of accounts and reports such finding and the amount or amounts of money to be transferred to the state racing fund pursuant to this subsection. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount or amounts of money as certified from the horse fair racing benefits fund, the Kansas horse breeding development fund, and the Kansas greyhound breeding development fund to the state racing fund that are required, in accordance with the certification by the director of the budget under this subsection, to

fund the budgeted expenditures for fiscal year 2006 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(c) During the fiscal year ending June 30, 2007, the director of the budget and the director of the legislative research department shall consult periodically and review the balance in and the estimated receipts to be credited to the state racing fund during fiscal year 2007 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 state racing fund during fiscal year 2007 is insufficient to finance the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, the director of the budget shall certify to the director of accounts and reports such finding and the amount or amounts of money to be transferred to the state racing fund pursuant to this subsection. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount or amounts of money as certified from the horse fair racing benefits fund, the Kansas horse breeding development fund, and the Kansas greyhound breeding development fund to the state racing fund that are required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(d) During the fiscal year ending June 30, 2007, the director of the budget and the director of the legislative research department shall consult periodically and review the balance in and the estimated receipts to be credited to the state racing fund during fiscal year 2007 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 state racing fund during fiscal year 2007 is insufficient to finance the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, the director of the budget shall certify to the director of accounts and reports such finding and the amount or amounts of money to be transferred to the state racing fund pursuant to this subsection. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount or amounts of money as certified from the racing and gaming reserve fund to the state racing fund that are required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification. No transfer to the state racing fund made during fiscal year 2007 pursuant to this subsection shall be deemed to be a loan from the state general fund and no such transfer shall be subject to the provisions of K.S.A. 74-8826 and amendments thereto regarding repayment of loans to the state general fund.

(e) (1) During the fiscal year ending June 30, 2007, the director of the budget and the director of the legislative research department shall consult periodically and review the balance in and the estimated receipts to be credited to the tribal gaming fund during fiscal year 2007, 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 tribal gaming fund during fiscal year 2007 is insufficient to finance the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, the director of the budget shall certify to the director of accounts and reports such finding and the amount or amounts of money to be transferred to the tribal gaming fund pursuant to this subsection. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount or amounts of money as certified from the racing and gaming reserve fund to the tribal gaming fund that are required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2007 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(2) During the fiscal year ending June 30, 2007, 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 racing and gaming reserve fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the racing and gaming reserve fund for

the amount equal to the net amount obtained by subtracting (A) the aggregate of any costs incurred by the state gaming agency during fiscal year 2007 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 (B) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission pursuant to subsection (e)(1) during fiscal year 2007 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.

(f) During the fiscal year ending June 30, 2007, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the Kansas racing and gaming commission from the racing and gaming reserve fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amounts reimbursed by the state gaming agency to the racing and gaming reserve fund under subsection (e)(2) less any amounts required for transfer during fiscal year 2007 under subsection (d).";

And by renumbering sections accordingly;

Also on page 31, by striking all in lines 25 through 42 and inserting the following to read as follows:

"(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, as authorized by 2006 Senate Bill No. 480, by this act or by any other appropriation act of the 2006 regular session of the legislature, the Kansas public employees retirement system may make expenditures from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, to assist the joint committee on pensions, investments and benefits in conducting a study of the state's deferred compensation plan, its operation and administration, and its relationship to the defined benefit plans offered to state employees by the Kansas public employees retirement system: *Provided*, That the joint committee on pensions, investments and benefits shall conduct a study during the 2006 interim period, with the assistance of the Kansas public employees retirement system, of the state's deferred compensation plan and shall include in its report to the 2007 legislature any findings and recommendations regarding the state's deferred compensation plan.";

On page 32, in line 8, by striking "\$1,335,000" and inserting "\$2,135,000"; in line 9, by striking "\$1,250,000" and inserting "\$800,000"; following line 9, by inserting the following to read as follows:

"State parks capital improvement projects  
For the fiscal year ending June 30, 2007..... \$1,900,000

*Provided*, That all proposed expenditures from the state parks capital improvement projects account for state parks capital improvement projects shall be reviewed by the joint committee on state building construction after the inclusion in the agency's five-year capital improvement plan which shall be submitted to the joint committee for review after July 1, 2006: *Provided further*, That no expenditures shall be made from the state parks capital improvement projects account for capital outlay.

(b) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 122(b) of 2006 Senate Bill No. 480 on the parks fee fund is hereby decreased from \$5,407,660 to \$4,607,660.";

Also on page 32, in line 10, by striking "(b)" and inserting "(c)"; in line 19, by striking all following "at"; by striking all in lines 20 through 22; in line 23, by striking all preceding "for" and inserting "one-half price admissions for annual motor vehicle permits or motor vehicle daily permits for entrance to state parks listed in K.S.A. 32-837 and amendments thereto"; by striking all in lines 25 through 43;

On page 33, by striking all in lines 1 through 13; in line 14, by striking "(f)" and inserting "(d)" in line 18, by striking "(g)" and inserting "(e)"; by striking all in lines 21 through 35 and inserting:

"(f) During the fiscal year ending June 30, 2007, notwithstanding the provisions of any other statute, no expenditures shall be made by the department of wildlife and parks from

any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for fiscal year 2007, as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, for pumping or transportation of groundwater to playa lake or other wetland properties of the department of wildlife and parks that are located within the region of the high plains aquifer: *Provided, however,* That the department of wildlife and parks may make expenditures from the department of wildlife and parks private gifts and donations fund of moneys received by the department of wildlife and parks from non-governmental sources for pumping or transportation of groundwater to playa lake or other wetland properties of the department of wildlife and parks that are located within the region of the high plains aquifer.

(g) During the fiscal year ending June 30, 2006, and the fiscal year ending June 30, 2007, notwithstanding the provisions of any other statute, rule and regulation, governor's budget report, or executive directive to the contrary, the secretary of wildlife and parks shall make expenditures from the state general fund accounts and from any accounts of special revenue funds appropriated for the department of wildlife and parks during fiscal year 2006 and fiscal year 2007 to retain 25 motor vehicles previously scheduled for elimination by July 1, 2006, as part of the governor's recommendation in the governor's fiscal year 2007 budget report concerning fleet size and a proposed reduction of a total of 200 motor vehicles from state agencies by July 1, 2007.";

Also on page 33, in line 37, by striking all following "fiscal"; by striking all in lines 38 and 39; in line 40, by striking "ations" and inserting "year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation";

On page 34, in line 8, by striking "fiscal year 2006 and"; in line 14, by striking "fiscal year 2006 and"; preceding line 22, by inserting the following to read as follows:

"Sec. 65.

STATE BOARD OF TAX APPEALS

(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, 2007..... \$30,335

*Provided,* That, if 2006 House Substitute for Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$30,335 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the operating expenditures account is hereby lapsed.

Sec. 66. (a) To pay the proportionate share of the cost to the Kansas highway patrol for the salary increases specified in section 128(q)(1) of 2006 Senate Bill No. 480, including associated employer contributions, for officers and employees of the Kansas highway patrol, upon recommendation of the director of the budget, 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 paragraph (3) of such subsection (c), is hereby authorized to approve an amount or amounts to be transferred on one or more dates during fiscal year 2007 from the state general fund to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the cost of such salary increases, including associated employer contributions, for the Kansas highway patrol: *Provided,* That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further,* That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the state general fund to the Kansas highway patrol operations fund of the Kansas highway patrol in accordance with such certification.

(b) To pay the proportionate share of the cost to the department of revenue for the salary increases specified in section 128(q)(1) of 2006 Senate Bill No. 480, including associated employer contributions, for officers and employees of the department of revenue, upon recommendation of the director of the budget, 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 paragraph (3) of such subsection (c), is hereby authorized to approve an amount or amounts

to be transferred on one or more dates during fiscal year 2007 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 such salary increases, including associated employer contributions, for the department of revenue: *Provided*, That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue in accordance with such certification.

(c) To pay the proportionate share of the cost to the state fire marshal for the salary increases specified in section 12S(q)(1) of 2006 Senate Bill No. 480, including associated employer contributions, for officers and employees of the hazardous materials program of the state fire marshal, upon recommendation of the director of the budget, 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 paragraph (3) of such subsection (c), is hereby authorized to approve an amount or amounts to be transferred on one or more dates during fiscal year 2007 from the fire marshal fee fund of the state fire marshal to the hazardous materials program fund of the state fire marshal for the purpose of financing the cost of such salary increases, including associated employer contributions, for the state fire marshal: *Provided*, That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the fire marshal fee fund of the state fire marshal to the hazardous materials program fund of the state fire marshal in accordance with such certification.

Sec. 67. (a) During the fiscal year 2006 and fiscal year 2007, for each state agency named in section 79 of chapter 174 of the 2005 Session Laws of Kansas, in 2006 Senate Bill No. 480, in this act or in any other appropriation act of the 2006 regular session of the legislature, except as otherwise provided by this section, that has one or more sales of motor vehicles under the 12,000 pounds of gross vehicle weight rating, the director of accounts and reports shall transfer to the state general fund, upon certification of the director of the budget, from each special revenue fund account into which all or a portion of the sales proceeds have been deposited, the proceeds of all such sales, subject to the further limitations prescribed by this section on the type of moneys that may be transferred, in accordance with the certification by the director of the budget. The director of the budget shall transmit a copy of each such certification to the director of the legislative research department.

(b) The director of the budget shall administer this section in a manner to ensure that no net sales proceeds that are deposited in special revenue fund accounts are transferred to the state general fund if any federal law or regulation prohibits such transfer or, if the state agency fee funds involved have restrictions on the lawful uses of the moneys collected under state law or rules and regulations that would prohibit such transfers.

(c) Nothing in this section shall require the transfer of money derived from the sale of any motor vehicles in accordance with K.S.A. 27-311 *et seq.*, and amendments thereto, K.S.A. 75-6601 *et seq.*, and amendments thereto, or subsection (f) of K.S.A. 75-3707 and amendments thereto, except that all moneys transferred to state agencies that was derived from surplus property sales of motor vehicles under K.S.A. 75-6601 *et seq.*, and amendments thereto, shall be subject to transfer to the state general fund under this section upon determination by the director of the budget and in accordance with procedures established under this section. Moneys from the sales of vehicles that are retained by the surplus property program to fund its operating expenditures shall not be subject to this section.

(d) The provisions of this section shall not apply to:

(1) The health care stabilization fund of the health care stabilization fund board of governors;

(2) any moneys held in trust in a trust fund or held in trust in any other special revenue fund of any state agency;

(3) any account of the Kansas educational building fund or the state institutions building fund;

(4) any special revenue fund of the Kansas highway patrol;

(5) any special revenue fund of any state educational institution under the control and supervision of the state board of regents; or

(6) any fund in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this section, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

Sec. 68. (a) On June 30, 2007, notwithstanding the provisions of K.S.A. 38-2101 or 38-2102, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount equal to the unencumbered balance in the children's initiatives fund, exclusive of any moneys attributable to any certificate of indebtedness issued pursuant to K.S.A. 75-3725a, and amendments thereto, from the children's initiatives fund to the children's initiatives reserve fund, which is hereby established in the state treasury: *Provided*, That the amount transferred to the children's initiatives reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to approve any transfer of moneys from the children's initiatives reserve fund, to authorize or approve any expenditure of moneys from the children's initiatives reserve fund, or to increase any expenditure limitation on the children's initiatives reserve fund: *And provided further*, That no expenditures shall be authorized or made from the children's initiatives reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.

(b) On July 1, 2007, the director of the budget shall certify to the director of accounts and reports the amount equal to 25% of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2007, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2008 and each fiscal year thereafter as provided by appropriation act of the legislature.

(c) On July 1, 2008, the director of the budget shall certify to the director of accounts and reports the amount equal to one-third of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2008, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2009 and each fiscal year thereafter as provided by appropriation act of the legislature.

(d) On July 1, 2009, the director of the budget shall certify to the director of accounts and reports the amount equal to 50% of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2009, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2010 and each fiscal year thereafter as provided by appropriation act of the legislature.

(e) On July 1, 2010, the director of the budget shall certify to the director of accounts and reports the amount equal to all of the remaining balance of moneys credited to the children's initiatives reserve fund on July 1, 2010, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the

amount transferred from the children’s initiatives reserve fund to the children’s initiatives fund shall be available for appropriation or transfer for fiscal year 2011 and each fiscal year thereafter as provided by appropriation act of the legislature.

Sec. 69.

DEPARTMENT OF ADMINISTRATION

(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:

Children’s initiatives reserve fund

For the fiscal year ending June 30, 2007..... \$0

Sec. 70. (a) On and after the effective date of this act, during the fiscal years ending June 30, 2006, June 30, 2007, and June 30, 2008, no expenditures shall be made from any moneys appropriated for the department of administration or any other state agency from the state general fund or any special revenue fund for fiscal year 2006, fiscal year 2007 or fiscal year 2008 by chapter 174 or 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480, or by this or other appropriation act of the 2006 regular session of the legislature for the purpose of permanently leveling the tiered floor on the chamber of the house of representatives in the Kansas statehouse: *Provided*, That no moneys appropriated from the state general fund or any special revenue fund by chapter 174 or 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480, or by this or other appropriation act of the 2006 regular session of the legislature for fiscal year 2006, fiscal year 2007 or fiscal year 2008 shall be expended by any state agency, as defined by K.S.A. 75-3701, and amendments thereto, for any purpose to permanently remove or otherwise permanently level the tiered floor in the chamber of the house of representatives.

(b) In addition to the other purposes for which expenditures may be made by the department of administration from the state general fund or any special revenue fund for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the department of administration from the state general fund or any special revenue fund for fiscal year 2007 to provide for such redesigning, planning and other matters as may be required under the relevant portion or portions of the capital improvement project for the preservation and restoration of the Kansas statehouse that relate to the chamber of the house of representatives to continue the tiered floor of the chamber of the house of representatives in existence.

Sec. 71. (a) During the fiscal years ending June 30, 2006, and June 30, 2007, expenditures shall be made from any moneys appropriated for the Kansas health policy authority, department of administration and the department of social and rehabilitation services from the state general fund or any special revenue fund for fiscal year 2006 or fiscal year 2007 by chapter 174 or 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature to prepare and submit amendments or waivers to the medicaid state plan to comply with federal requirements regarding the provision of mental health services by any willing, qualified provider: *Provided*, That any program established by such amendment or waiver shall require providers to associate with a community mental health center before being allowed to provide medicaid funded mental health services: *Provided further*, That all community mental health centers are directed to establish such agreements with additional willing providers to ensure that mental health services to children and youth are delivered appropriately: *And provided further*, That community mental health centers shall retain a portion of the medicaid payment, including federal and state shares, for services provided by an associated provider in an amount not to exceed the cost to the community mental health center for necessary administrative services: *And provided further*, That such costs shall not exceed 18% of the total medicaid payment, including federal and state shares.

Sec. 72.

SECRETARY OF STATE

(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, 2007..... \$80,064

(b) On July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of 2006 Senate Bill No. 480 for the secretary of state is hereby increased from 54.00 to 55.00.

Sec. 73. (a) Whereas, as was stated in the introduction to chapter three of the report of the President's Council on Bioethics, Human Cloning and Human Dignity: An Ethical Inquiry, Washington, D.C., July 2002, pertaining to the importance of careful use of names, "Fruitful discussion of the ethical and policy issues raised by the prospects of human cloning — as with any other matter — can proceed only if we can find appropriate and agreed-upon terms for describing the processes and products involved. Before we can get to possible moral or policy arguments or disagreements, we need to agree about what to call that about which we are arguing. As a contribution to public understanding, we emphasize that this is not an easy thing to do, and we indicate how and why we have gone about making our terminological choices."

(b) Therefore, in addition to the other purposes for which expenditures may be made by the legislature from moneys appropriated in the operations (including official hospitality) account of the state general fund of the legislature or in the legislative special revenue fund for the fiscal year ending June 30, 2007, by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, the legislature shall make expenditures for a special committee to conduct an interim study on human cloning using the report of the President's Council on Bioethics, Human Cloning and Human Dignity: An Ethical Inquiry, Washington, D.C., July 2002, as a foundation for terminology in discussing human cloning.

Sec. 74. No moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 2007, by this act or any other appropriation act of the 2006 regular session of the legislature shall be expended to pay for the employment of or to contract for employment with any individual who is an undocumented, illegal alien.

Sec. 75. On July 1, 2006, K.S.A. 2005 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7½% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, ~~2006~~ 2007, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the ~~2005~~ 2006 regular session of the legislature.

Sec. 76. On July 1, 2006, K.S.A. 2005 Supp. 75-6702 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, by striking all following "2008" and inserting ", June 30, 2009, June 30, 2010, and June 30, 2011.,"; in line 16, before the period by inserting "amending K.S.A. 2005 Supp. 75-6702 and repealing the existing section";

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

DWAYNE UMBARGER  
JAY SCOTT EMLER  
JIM BARONE  
*Conferees on part of Senate*

MELVIN J. NEUFELD  
BRENDA K. LANDWEHR  
BILL FEUERBORN  
*Conferees on part of House*

On motion of Rep. Neufeld, the conference committee report on **HB 2968** was adopted.

On roll call, the vote was: Yeas 65; Nays 49; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Ballard, Beamer, Brunk, Burgess, Carlin, Colloton, Cox, Craft, Davis, DeCastro, Decker, Faber, Feuerborn, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kelsey, Kilpatrick, Landwehr, Light, Loyd, Masterson, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Owens, Pottorff, Powell, Froehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Tafanelli, Vickrey, Wolf, Yoder.

Nays: Brown, Burroughs, Carlson, Crow, Dahl, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Holland, Kelley, Kinzer, Kirk, Knox, Kuether, Lane, Loganbill, Mah, McKinney, Menghini, F. Miller, M. Miller, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Watkins, Weber, Wilk, Williams, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Bethell, Carter, Edmonds, Huebert, Huy, Kiegerl, Krehbiel, Long, Lukert, Mast, O'Malley.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to House Rule 2307, the following bills and resolutions were stricken from the calendar:

**HR 6013, HR 6014, HR 6016, HR 6020, HR 6029; SCR 1621; H. Sub. for SB 513; SB 588, SB 359; Sub. SB 358; SB 444, SB 465, SB 384, SB 564; HB 2093; Sub. HB 2998; HB 2983; Sub. HB 2080.**

#### COMMITTEE ASSIGNMENT CHANGES

Speaker Mays announced the following changes effective immediately to the Appropriations Committee: Rep. O'Neal replaces Rep. McCreary; Rep. Kinzer replaces Rep. Powell; Rep. Siegfried replaces Rep. Weber; Rep. Carlson replaces Rep. Schwartz; Rep. Faber replaces Rep. McLeland; Rep. Hutchins remains on the committee.

Also effectively immediately, Reps. Pauls, Flaharty, Ward and Peterson will replace Reps. B. Sharp, Lane, Williams and Sawyer.

Also, Rep. O'Neal is appointed as chair of the committee and Rep. Peterson is appointed vice-chair.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Aurand, **SCR 1626**, A concurrent resolution relating to the adjournment of the senate and house of representatives for a period during the 2006 regular session of the legislature, was thereupon introduced and adopted.

#### REPORT ON ENGROSSED BILLS

**S. Sub. for HB 2928** reported correctly engrossed May 10, 2006.

#### REPORT ON ENROLLED BILLS

**S. Sub. for HB 2105; HB 2555** reported correctly enrolled, properly signed and presented to the governor on May 10, 2006.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6038** reported correctly enrolled and properly signed on May 10, 2006.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Thursday, May 25, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

