AUTHENTICATION

STATE OF KANSAS
OFFICE OF SECRETARY OF STATE

I, Kris W. Kobach, Secretary of State of the state of Kansas, do hereby certify that the printed acts contained in this volume are true and correct copies of enrolled laws or resolutions which were passed during the 2011 regular session of the Legislature of the State of Kansas, begun on the 10th day of January, A.D. 2011, and concluded on the 1st day of June, A.D. 2011; and I further certify that all laws contained in this volume which took effect and went into force on and after publication in the Kansas Register were so published (on the date thereto annexed) as provided by law; and I further certify that all laws contained in this volume will take effect and be in force on and after the 1st day of July, A.D. 2011, except when otherwise provided.

Given under my hand and seal this 1st day of July, A.D. 2011.

Kris W. Kobach,
Secretary of State

(SEAL)
EXPLANATORY NOTES

Material added to an existing section of the statute is printed in italic type. Material deleted from an existing section of the statute is printed in canceled type.

In bills which contain entirely new sections together with amendments to existing sections, the new sections are noted with the word “new” at the beginning of such sections.

An enrolled bill which is new in its entirety is noted with an asterisk (*) by the bill number and is printed in its original form.

Approval and publication dates are included.

Chapter numbers are assigned chronologically, based on the date the bill is signed by the governor. The bill index, subject index and list of statutes repealed or amended will assist you in locating bills of interest.

NOTICE

The price for the Session Laws is set by administrative regulation in accordance with state law. Additional copies of this publication may be obtained from:

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

New Section 1. As used in sections 1 through 24, and amendments thereto, unless the context otherwise requires:

(a) "Access water" means water stored in water supply access storage of a reservoir under a water reservation right and provided as supplemental water to eligible water right holders.

(b) "Chief engineer" means the chief engineer of the Kansas department of agriculture, division of water resources.

(c) "District" means the lower smoky hill water supply access district.

(d) "Eligible water right holder" means a person holding a water right or permit, pursuant to K.S.A. 82a-701 et seq., and amendments thereto, to appropriate surface water from the program area for municipal, industrial, irrigation or recreation purposes as determined by the Kansas water office.

(e) "Landowner" means a person who is the record owner of any real estate within the boundaries of the district or who has an interest therein as contract purchaser of 40 or more contiguous acres in the district not within the corporate limits of any municipality. Owners of oil leases, gas leases, mineral rights, easements, or mortgages shall not be considered landowners by reason of such ownership.

(f) "Member" means an eligible water right holder who participates in and is subject to the rules and regulations of a water supply access district.

(g) "Person" means any natural person, private corporation, municipality or other public corporation.

(h) "Program" means the lower smoky hill water supply access program.

(i) "Program area" means the area of the smoky hill river below the kanopolis reservoir dam to the confluence of the smoky hill and saline rivers.

(j) "Special irrigation district" means the lower smoky hill water supply special irrigation district.

(k) "Water supply access storage" means water held by the Kansas water office in kanopolis reservoir under contract with the United States army corps of engineers and so designated by the Kansas water office as water supply access storage for the purposes of the lower smoky hill water supply access program.

New Sec. 2. There is hereby established the lower smoky hill water
supply access program within the Kansas water office. The Kansas water office, with approval of the Kansas water authority, may negotiate and enter into contracts for water supply access storage to be used for the purposes of this act. The water office may designate all or any portion of such water so held in the Kanopolis reservoir to water supply access storage to meet the needs of the district.

New Sec. 3. (a) There is hereby established in the state treasury the lower Smoky Hill water supply access fund which shall be administered by the Kansas water office. All expenditures from the lower Smoky Hill water supply access fund shall be for the purposes of this act. All expenditures from the lower Smoky Hill water supply access fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of the Kansas water office or the director’s designee. All moneys received for the purposes of this act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the lower Smoky Hill water supply access fund. The director of the Kansas water office may accept or receive moneys from the district into the lower Smoky Hill water supply access fund.

New Sec. 4. (a) There is hereby authorized the lower Smoky Hill water supply access district.

(b) Upon receipt of an application for membership within the district, the director of the Kansas water office may determine the need to create an incorporating governing body for the district, and upon such determination, shall certify to the secretary of state and the members of the district that such district is eligible for formation and should be incorporated. The notice of certification should fix a date, time and place for an organizational meeting of such district.

(c) The members of the district shall meet on the date and time set by such director to form the incorporating governing body of such district.

(d) The incorporating governing body, if created, shall consist of five directors. Eligible water rights holders, or their representatives, who apply for membership, shall be the incorporating entities and shall determine the articles of incorporation. Such articles of incorporation shall provide the board of directors of the lower Smoky Hill water supply access district so formed, shall have an odd number of directors and shall include a provision that no less than one representative of the lower Smoky Hill special irrigation district serve as a member of the lower Smoky Hill water supply access district board, if such special irrigation district is formed under the provisions of this act. Upon incorporation of the district, such incorporating governing body shall dissolve and shall be replaced by the governing body as determined by the articles of incorporation and bylaws of the district.

(e) The directors of the incorporating governing body shall elect an incorporating chairperson. The chairperson, on behalf of the incorporating
governing body, shall attest to all documents necessary for incorporation of the district by the secretary of state and for the business of the district. The secretary of state shall issue a certificate of incorporation for the district, which shall be filed of record in the office of the register of deeds of each county in which all or a portion of the district lies.

(f) Upon recordation of such certificate of incorporation, the district shall be authorized to function in accordance with the provision of this act and its certificate of incorporation. No action attacking the legal incorporation of any district organized under this section shall be maintained unless filed within 30 days after the issuance of such certificate of incorporation for such district by the secretary of state, nor shall the alleged illegality of the incorporation of any such district be interposed as a defense to any action brought after such time.

New Sec. 5. (a) A prospective member may join the district if the prospective member:

(1) Applies to the Kansas water office for water supply access storage, for the purposes of this act; and

(2) has or applies for a water right eligible for membership under this act.

(b) Prospective members may be approved for membership by the director of the Kansas water office, after consultation with the chief engineer, if the director finds that:

(1) The proposed membership is in the public interest or has a public benefit sufficient for membership;

(2) there is adequate water supply access storage to meet the additional demand; and

(3) such other issues as may be determined by such director have been resolved.

New Sec. 6. All powers granted to the district shall be exercised by the board of directors. A majority of the directors shall constitute a quorum for the transaction of business. A majority of those directors present and voting shall determine all actions taken by the governing body.

New Sec. 7. After the initial meeting to elect the governing body, an annual meeting shall be held to elect such directors whose terms shall expire, to render a report on the financial condition and activities of the district and to adopt a budget in the manner provided by K.S.A. 79-2925 et seq., and amendments thereto. Notice of the annual meeting shall be given to all members of the district by first class mail, postage prepaid, at least 10 days prior to the date of the annual meeting.

New Sec. 8. (a) Regular meetings of the board of directors shall be held no less than quarterly at a place, day and time established by the board of directors. Notice of such meetings shall be given to all members of the district by first class mail, postage prepaid, at least five days prior to the date of such meetings.
(b) Special meetings may be held at any time on the call of the chair-
person of the district governing body. Notice shall be provided to each
director at least one day prior to the time fixed for such special meeting.
The notice of any special meeting may be accomplished by any means
calculated to provide adequate notice to each director.

New Sec. 9. The district incorporated under the provisions of this act
shall be a body politic and corporate and shall have the power to:
(a) Adopt a seal;
(b) sue and be sued by its corporate name;
(c) purchase, hold, sell and convey land and personal property and to
execute such contracts as the board of directors deems necessary or con-
venient to enable it to carry out the purpose for which it was organized;
(d) employ such professional, technical and clerical services and other
assistance as deemed necessary by the board of directors;
(e) acquire personal property by gift or purchase;
(f) impose charges as provided by this act;
(g) select a residence or home office for the district, which shall be at
a place in a county in which the district or any part thereof is located and
may be either within or without the program area as may be designated by
the board of directors; and
(h) take any other action necessary to achieve the purposes of the dis-

New Sec. 10. (a) The district shall impose charges against each member
for the purposes of the district.
(1) The total of such charges shall be sufficient to enable the district to
pay the Kansas water office the full annual amortized cost incurred by the
Kansas water office for the operation, administration and enforcement of
the program, including, but not limited to, the costs of acquiring the water
supply access storage from the federal government by purchase or trade
and the cost of operation and maintenance of such water supply access
storage.
(2) The district may also impose charges against each member of the
district in an amount sufficient to cover district operating costs.
(3) The district shall impose any charges necessary for the payment of
the principal and interest on revenue bonds issued by the Kansas water
office pursuant to K.S.A. 82a-1360 et seq., and amendments thereto.
(4) The district shall determine the amount of the charges for each mem-
er and shall remit all moneys collected to the Kansas water office for
deposit in the lower smoky hill water supply access fund created pursuant
to this act. Charges to be paid by such members may vary and shall be
based on the principle of having each member pay for the pro rata quantity
authorized to each member by the district. In determining the charge, the
board of directors of the district shall adopt guidelines for such members.
(b) The director of the Kansas water office shall request releases of
water supply access water by the federal government from the Kanopolis reservoir under such agreements with the federal government that govern operations of such reservoir. The chairperson of the governing body of the district or designee shall communicate with the Kansas water office regarding any member’s need for such releases by the district.

(c) The director and the chief engineer each shall adopt any rules and regulations necessary to carry out the purposes and procedures of this act. The director and the chief engineer shall consider the advice of the Kansas water authority and stakeholders in the program area, in the preparation of any rules and regulations adopted pursuant to this subsection.

(d) Any holder of an eligible water right aggrieved by a decision of the Kansas water office under this act by being excluded as a member in the program may appeal to the district court under K.S.A. 82a-724, and amendments thereto.

(e) Payments required under a contract between the district and the Kansas water office shall be for storage capacity contracted in a federal reservoir.

(f) Nothing in this act shall be deemed to authorize any suit against the state or any agency of the state or person employed by the state on or under a claim for implied contract, negligence or any other tort. The director of the Kansas water office may sue to enforce any claim arising out of a contract. Payment of the charges shall be a condition imposed on every member and the director is authorized to declare the suspension of any use of water supply access water where a payment is not made.

(g) Rights of members to receive access water may not be transferred without the approval of the Kansas water office.

New Sec. 11. If any member of the district requests an opportunity to renegotiate any existing contracts for the purchase of water supply, as described in K.S.A. 82a-1301 et seq., and amendments thereto, the Kansas water authority and the Kansas water office shall conduct such negotiations on a timely basis and on the provisions for which negotiations are requested.

New Sec. 12. (a) The chief engineer shall protect releases of water from the Kanopolis reservoir for water supply access storage as may be necessary to effectuate the purposes of the releases made pursuant to this act and for the benefit of the district members for whom such releases are made.

(b) The Kansas water office shall communicate to the chief engineer the date and quantity of such release, the district member or members for whom such release is made and such other information as the chief engineer may request to insure protection of the release.

New Sec. 13. Each member of the district shall adopt conservation plans and practices for such member. Such plans and practices shall be consistent with the guidelines for conservation plans and practices developed and maintained by the Kansas water office as provided in K.S.A. 74-2608, and amendments thereto. Prior to entering into a contract the district
and the director of the Kansas water office, in consultation with the chief engineer, shall determine whether such plans and practices are consistent with the guidelines for conservation plans and practices adopted by the Kansas water office.

New Sec. 14.  (a) The Kansas water office is hereby authorized to issue and sell revenue bonds for the purpose of paying all or part of the cost of acquiring a site or sites, constructing, reconstructing, improving and expanding projects within the program area or to finance the purchase of storage in the reservoir using procedures established for issuing such bonds as described in K.S.A. 82a-1360 et seq., and amendments thereto.

(b) The district may negotiate to make annual payments over a period of not to exceed 20 years for any access storage water purchased under this act.

New Sec. 15.  If the district authorized pursuant to this act is not formed by December 31, 2020, the provisions of this act shall expire.

New Sec. 16.  There is hereby authorized the lower smoky hill special irrigation district for the purpose of participating in the lower smoky hill water supply access program. Such special irrigation district shall be a single member of the lower smoky hill water supply access district.

New Sec. 17.  (a) The lower smoky hill special irrigation district shall be formed upon petition by eligible irrigation water right holders to the director of the Kansas water office, demonstrating a need for and requesting purchase of 500 acre feet or more for water supply access storage for the proposed special irrigation district. The petition shall provide contact information for each person signing, information on the land proposed for membership in the district, information necessary for verification of the water rights held on the eligible land and the amount of water requested from kanopolis reservoir water supply access storage by each person so signing. The Kansas water office may request additional information from each person signing such petition.

(b) The director of the Kansas water office, in consultation with the chief engineer, shall verify the ownership of subject land within the proposed special irrigation district for the lands noted in the petition, the water rights held for subject land by each person so signing and other matters the Kansas water office may deem necessary. Upon verification of the eligibility of those signing such petition the director of the Kansas water office shall set a date, time and place for the first meeting of such district for the purposes of electing a governing board for the special irrigation district.

New Sec. 18.  (a) Membership of the special irrigation district shall consist of all landowners holding eligible irrigation water rights participating in the petition as described in section 17, and amendments thereto. Additional interested eligible landowners with irrigation surface water rights within the program area may apply for membership in accordance
with rules and procedures to be determined by the governing board as provided in section 19, and amendments thereto.

(b) All qualified applicants for membership in the special irrigation district shall become members and shall be able to use water supply access storage under the rules and by-laws of the lower smoky hill water access supply district and the special irrigation district. All members shall be liable to the district and the special irrigation district for costs, fees, assessments and charges.

New Sec. 19. (a) There shall be created a governing board of the special irrigation district. Such governing board shall have the authority to:

(1) Purchase, allocate, determine, charge fees and assessments for and allow the use, for the benefit of members of the special irrigation district, of water supply access storage;

(2) contract for real and personal, property;

(3) contract with employees and consultants; and

(4) buy, sell, lease, rent and purchase water supply access storage pursuant to the provisions of this act.

(b) The governing board of the special irrigation district shall:

(1) Designate one or more members, as described in the articles of incorporation of the lower smoky hill water supply access district, to serve on the governing board of the lower smoky hill water supply access district. Such member shall speak for the special irrigation district on matters before the directors of the lower smoky hill water supply access district;

(2) provide for a fee structure sufficient to pay for such water supply access storage and any additional costs as determined by the special irrigation district and set a fee schedule for all members of the special irrigation district; and

(3) create an agreement to be entered into with each person who desires to become a member of the special irrigation district, with the requirements for membership, duties, payment obligations, provisions for withdrawal or transfer of any single membership and any other matters as the governing board of the special irrigation district may deem necessary and prudent.

(c) In the event of extraordinary, special or emergency costs associated with membership in the district or special irrigation district, the governing board may assess additional costs to such members at a rate to be determined by the board, in any year. Notice of such assessment shall be provided to members by first class mail, postage prepaid by the special irrigation district.

New Sec. 20. (a) All powers granted to the special irrigation district under the provisions of this act shall be exercised by an elected governing board. Such governing board shall consist of an odd number of no less than three and no more than nine directors. Elections for board members by the members of the special irrigation district shall be held at a meeting held each calendar year.
(b) At the initial election of the governing board, half of the board members of the special irrigation district, rounded down, shall be elected for a term of one year, and the remaining board members shall be elected for a term of two years. For each subsequent appointment, each board member shall be elected for a term of two years.

(c) The governing board of the special irrigation district, after being duly elected, shall elect from its number a president, vice-president, secretary, and treasurer. If the special irrigation district has three board members, such board shall elect one board member to hold the offices of both secretary and treasurer.

(d) Each member of the governing board of the special irrigation district shall continue in such position until a successor is elected and qualified. Members of such board shall have no term limits. Whenever the vacancy of a board member position occurs before the expiration of such board member’s term, a successor shall be elected by such governing board to fill such vacancy for the unexpired term, except that such governing board may elect to call a special meeting of the membership for purposes of electing a board member to serve an unexpired term.

(e) The governing board of the special irrigation district shall meet no less than quarterly during any calendar year and shall meet upon call of the president as necessary to carry out its duties under this act.

(f) The governing board of the special irrigation district shall set an annual meeting for the district, and provide notice of the same to all members. At such annual meeting the membership may consider any matters such governing board may wish to present for consideration.

(g) A majority of the governing board of the special irrigation district shall constitute a quorum for the transaction of business. A majority of those board members present and voting shall determine all actions taken by such governing board.

New Sec. 21. (a) The costs of the water supply access storage shall be paid from funds of the special irrigation district, and from any fees and assessments of members. In order to finance the operations of the special irrigation district, the governing board may assess an annual water use charge against every member. Such governing board shall base such charge upon the amount of water allocated for such member’s use pursuant to that member’s water right.

(b) Before any assessment is made or user charge imposed, the governing board shall submit the proposed budget for the ensuing year to the eligible voters of such district at a hearing to be held during the annual meeting. Following the hearing, the governing board shall, by resolution, adopt either the proposed budget or a modified budget and determine the amount of land assessment or user charge, or both, needed to support such budget.

(c) All dues, charges, fees and assessments against lands within the
special irrigation district shall be certified to the proper county clerks and collected the same as other taxes in accordance with K.S.A. 79-1801, and amendments thereto, and the amount thereof shall attach to the real property involved as a lien in accordance with K.S.A. 79-1804, and amendments thereto. All moneys so collected shall be remitted by the county treasurer to the treasurer of the special district who shall deposit them to the credit of the general fund of the special irrigation district. The accounts of the special irrigation district shall be audited annually by a public accountant or certified public accountant.

New Sec. 22. A fund shall be created by the special irrigation district for payment of the costs of water supply access storage. Any moneys received by such special irrigation district for charges, fees, assessments and sales of water shall be credited to such fund. Such fund shall be used solely to pay the costs related to acquiring water supply access storage and the operation of the special irrigation district.

New Sec. 23. If the special irrigation district authorized pursuant to this act is not formed by December 31, 2020, the provisions of section 15 through 22, and amendments thereto, shall expire.

New Sec. 24. The Kansas water office shall adopt rules and regulations to implement the lower smoky hill water supply access program.

New Sec. 25. (a) The chief engineer may administer a water rights conservation program. An eligible water right in good standing may be enrolled in the program, subject to the approval of the chief engineer.

(b) A water right may be enrolled in the program for a period that shall not exceed 10 years. A water right enrolled in the program may be re-enrolled within two years of the expiration date of the previous enrollment period, subject to the approval of the chief engineer.

(c) Each application for enrollment in the program and each application for renewal of enrollment shall include a non-refundable fee not to exceed $300.

(d) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and amendments thereto.

(e) The chief engineer shall adopt rules and regulations to effectuate and administer the provisions of this section.

Sec. 26. K.S.A. 2010 Supp. 82a-718 is hereby amended to read as follows: 82a-718. (a) All appropriations of water must be for some beneficial purpose. Every water right of every kind shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful, beneficial use is henceforth made of water under such right for five successive years. Before any water right shall be declared abandoned and terminated the chief engineer shall conduct a hearing thereon. Notice shall be served on the user at least 30 days before the date of the hearing. The determination of the chief engineer pursuant to this section shall be subject to review in
accordance with the provisions of K.S.A. 2010 Supp. 82a-1901, and amendments thereto.

The verified report of the chief engineer or such engineer’s authorized representative shall be prima facie evidence of the abandonment and termination of any water right.

(b) When no lawful, beneficial use of water under a water right has been reported for three successive years, the chief engineer shall notify the user, by certified mail, return receipt requested, that: (1) No lawful, beneficial use of the water has been reported for three successive years; (2) if no lawful, beneficial use is made of the water for five successive years, the right may be terminated; and (3) the right will not be terminated if the user shows that for one or more of the five consecutive years the beneficial use of the water was prevented or made unnecessary by circumstances that are due and sufficient cause for nonuse, which circumstances shall be included in the notice.

(c) The provisions of subsection (a) shall not apply to a water right that has not been declared abandoned and terminated before the effective date of this act if the five years of successive nonuse occurred exclusively and entirely before January 1, 1990. However, the provisions of subsection (a) shall apply if the period of five successive years of nonuse began before January 1, 1990, and continued after that date.

(d) Notwithstanding the provisions of subsection (a), an eligible water right enrolled in and continually in compliance with the water rights conservation program, pursuant to section 25, and amendments thereto, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.

(e) Notwithstanding the provisions of subsection (a), a groundwater right, which has as its local supply an aquifer area that has been closed to new appropriations by rule, regulation or order of the chief engineer and where means of diversion are available to put water to a beneficial use within a reasonable time, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.

Sec. 27. K.S.A. 2010 Supp. 82a-731 is hereby amended to read as follows: 82a-731. There is hereby created in the state treasury the water appropriation certification fund. The chief engineer of the division of water resources of the Kansas department of agriculture shall remit all moneys received under K.S.A. 82a-708a, 82a-708b and 82a-727, and amendments thereto, and section 25, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the water appropriation certification fund. All expenditures from the water appropriation certification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers.
approved by the secretary of agriculture or by a person designated by the
secretary.

Sec. 28. K.S.A. 2010 Supp. 82a-736 is hereby amended to read as follows: 82a-736. (a) As used in this section:

(1) “Base average usage” means: (A) The average amount of water actually used for a beneficial use under a groundwater water right during calendar years 1992 through 2009, excluding any amount used in any such year in excess of the amount authorized by such water right; or (B) if the holder of a groundwater water right shows to the satisfaction of the chief engineer that the holder has implemented significant water conservation measures during calendar years 1992 through 2009, the average amount of water actually used for a beneficial use under such right during the five calendar years immediately before the calendar year when such measures were implemented, excluding any amount used in any such year in excess of the amount authorized by such water right.

(2) “Chief engineer” means the chief engineer of the division of water resources of the department of agriculture.

(b) Any holder of a groundwater water right which has not been deposited or placed in a safe deposit account in a chartered water bank may establish a flex account where the holder may deposit, in advance, water from such water right for any five consecutive calendar years, subject to the following:

(1) The water right must be vested or shall have been issued a certificate of appropriation;
(2) the withdrawal of water pursuant to the water right shall be properly and adequately metered;
(3) the water right shall not have been deemed abandoned and shall be in good standing, based on past water usage and compliance with the terms of the holder’s permit and all applicable provisions of law and orders of the chief engineer; and
(4) the amount of water that shall be deposited in the account shall not exceed 90% of the amount of the holder’s base average usage times five.

(c) The chief engineer shall implement a program providing for the issuance of term permits to holders of groundwater water rights who have established flex accounts in accordance with this section. Such term permits shall authorize the use of water in a flex account at any time during the five consecutive calendar years for which the application for the term permit is made, without annual limits on such use. Application for any such term permit shall be filed not later than October 10, of the year preceding the first year for which the application is made.

(d) Term permits provided for by this section shall be subject to the following:

(1) A separate term permit shall be required for each point of diversion.
(2) The quantity of water authorized for diversion shall be limited to the amount deposited pursuant to subsection (b)(4).

(3) The authorized place of use for the term permit shall not be greater than that authorized by the existing groundwater right.

(4) The chief engineer may establish, by rules and regulations, criteria for such term permits when the water right authorizes multiple points of diversion or multiple water rights authorize a single point of diversion or overlapping places of use.

(5) Except as explicitly provided for by this section, such term permits shall be subject to all provisions of the Kansas water appropriation act, and rules and regulations adopted under such act, and nothing in this section shall authorize impairment of any vested right or prior appropriation right by the exercise of such term permit.

(e) Unless a term permit is issued pursuant to an application filed before November 1 of the year prior to the first year for which the application is made, the quantity of water used under the water right during the year in which the application for the term permit is filed shall be deducted from the amount of water deposited into the account authorized by the term permit.

(f) All costs of administration of this section shall be paid from fees for term permits provided for by this section. Any appropriation or transfer from any fund other than the water appropriation certification fund for the purpose of paying such costs shall be repaid to the fund from which such appropriation or transfer is made. At the time of repayment, the secretary of agriculture shall certify to the director of accounts and reports the amount to be repaid and the fund to be repaid. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified to the specified fund.

(g) The chief engineer shall submit a written report on the implementation of this section to the house standing committee on environment and the senate standing committee on natural resources on or before February 1 of each year.

(h) This section shall be part of and supplemental to the Kansas water appropriation act.

New Sec. 29. (a) There is hereby established in the state treasury the Arkansas river gaging fund, which shall be administered by the secretary of agriculture. All expenditures from the Arkansas river gaging fund shall be for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Arkansas river compact, except that, after all expenditures are made during the fiscal year for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Arkansas river compact, then, in accordance with the following priorities and subject to the expenditure limitations prescribed therefor:
(A) First, any remaining moneys authorized to be expended from the fund for the fiscal year shall be expended for the purposes of livestock market reporting in an amount not to exceed $20,000 in a fiscal year; and

(B) second, if there are any remaining moneys authorized to be expended from the fund for the fiscal year after the expenditures for livestock market reporting, then expenditures shall be made from the fund for the purpose of funding the bluestem pasture report in an amount not to exceed $5,000.

(2) All expenditures from the Arkansas river gaging fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee of the secretary of agriculture.

(b) All moneys received as royalties from the state’s oil and gas leases in Hamilton, Kearny, Finney, Gray and Ford counties, except those moneys arising from leases on lands under the control of the secretary of wildlife and parks as provided by K.S.A. 32-854, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Arkansas river gaging fund. During each fiscal year, when the total amount of moneys credited to the fund is equal to $75,000, no further moneys shall be credited to the fund. The remainder of the moneys received for such royalties for such fiscal year shall be credited to the state general fund.

Sec. 30. K.S.A. 2010 Supp. 82a-718, 82a-731 and 82a-736 are hereby repealed.

Sec. 31. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 19, 2011.

CHAPTER 90

HOUSE BILL No. 2010
(Amends Chapter 30)

An Act concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section; also repealing K.S.A. 2010 Supp. 60-4104, as amended by section 223 of 2011 House Bill No. 2339.

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

Section 1. K.S.A. 2010 Supp. 60-4104 is hereby amended to read as follows: 60-4104. Conduct and offenses giving rise to forfeiture under this act, whether or not there is a prosecution or conviction related to the offense, are:

(a) All offenses which statutorily and specifically authorize forfeiture;
violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto;

(c) theft which is classified as a felony violation pursuant to K.S.A. 21-3704, section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; in which the property taken was livestock;

(d) unlawful criminal discharge of a firearm, K.S.A. 21-4219 as defined in subsections (a)(1) and (a)(2) of section 193 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(e) violations of K.S.A. 2010 Supp. 21-36a16, and amendments thereto;

(f) gambling, K.S.A. 21-4303 section 215 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and commercial gambling, K.S.A. 21-1301 as defined in subsection (a)(1) of section 217 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(g) counterfeiting, K.S.A. 21-3763 section 111 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(h) violations of K.S.A. 21-4019 section 178 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(i) medicaid fraud, K.S.A. 21-3844 et seq. sections 150 through 161 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(j) an act or omission occurring outside this state, which would be a violation in the place of occurrence and would be described in this section if the act occurred in this state, whether or not it is prosecuted in any state;

(k) an act or omission committed in furtherance of any act or omission described in this section including any inchoate or preparatory offense, whether or not there is a prosecution or conviction related to the act or omission;

(l) any solicitation or conspiracy to commit any act or omission described in this section, whether or not there is a prosecution or conviction related to the act or omission;

(m) furtherance of terrorism or illegal use of weapons of mass destruction, K.S.A. 21-3451 violations of section 58 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(n) unlawful conduct of dog fighting and unlawful possession of dog fighting paraphernalia, K.S.A. 21-4315 as defined in subsections (a) and (b) of section 225 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(o) unlawful conduct of cockfighting and unlawful possession of cockfighting paraphernalia, K.S.A. 21-4319 as defined in subsections (a) and (b) of section 228 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(p) prostitution, K.S.A. 21-3512 section 229 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, promoting prostitution, K.S.A. 21-3513 section 230 of chapter 136 of the 2010 Session Laws
of Kansas, and amendments thereto, and patronizing a prostitute, K.S.A. 21-3515, section 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(q) human trafficking, K.S.A. 21-3446, and amendments thereto, and aggravated human trafficking, K.S.A. 21-3447 section 61 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(r) violations of K.S.A. 9-2012, and amendments thereto;

(s) mistreatment of a dependent adult, section 52 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(t) giving a worthless check, section 107 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(u) forgery, section 109 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(v) criminal use of a financial card, section 110 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(w) violations of section 125 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(x) identity theft and identity fraud, as defined in subsections (a) and (b) of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(y) electronic solicitation, section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 60-4104 and 60-4104, as amended by section 223 of 2011 House Bill No. 2339 are hereby repealed.

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

Approved May 19, 2011.

CHAPTER 91
SENATE BILL No. 247
(Amends Chapters 11, 12, 24, 26, 30, 36, 37, 41, 44, 45, 46, 49 and 53)
(Amended by Chapter 100)

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

Section 1. K.S.A. 2010 Supp. 8-116a, as amended by section 1 of 2011 House Bill No. 2192, is hereby amended to read as follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments thereto, when an application is made for a vehicle which has been assembled, reconstructed, reconstituted or restored from one or more vehicles, or the proper identification number of a vehicle is in doubt, the procedure in this section shall be followed. The owner of the vehicle shall request the Kansas highway patrol to check the vehicle and the highway patrol shall within a reasonable period of time perform such vehicle check. At the time of such check the
owner shall supply the highway patrol with information concerning the history of the various parts of the vehicle. Such information shall be supplied by affidavit of the owner, if so requested by the highway patrol. If the highway patrol is satisfied that the vehicle contains no stolen parts, it shall assign an existing or new identification number to the vehicle and direct the places and manner in which the identification number is to be located and affixed or implanted. A charge of $15 per hour or part thereof, with a minimum charge of $15, and on and after July 1, 2012, a charge of $20 per hour or part thereof, with a minimum charge of $20, shall be made to the owner of a vehicle requesting check under this subsection, and such charge shall be paid prior to the check under this section. When a check has been made under subsection (b), not more than 60 days prior to a check of the same vehicle identification number, requested by the owner of the vehicle to obtain a regular certificate of title in lieu of a nonhighway certificate of title or obtain a rebuilt salvage title in lieu of a salvage title, no charge shall be made for such second check.

(b) Any person making application for any original Kansas title for a used vehicle which, at the time of making application, is titled in another jurisdiction, as a condition precedent to obtaining any Kansas title, shall have such vehicle checked by the Kansas highway patrol for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the identification number on the vehicle. Checks under this section may include inspection for possible violation of K.S.A. 21-3757, and amendments thereto, or other evidence of possible fraud. The verification shall be made upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations. A charge of $15 per hour or part thereof, with a minimum charge of $15, and on and after July 1, 2012, a charge of $20 per hour or part thereof, with a minimum charge of $20, shall be made for checks under this subsection. When a vehicle is registered in another state, but is financed by a Kansas financial institution and is repossessed in another state and such vehicle will not be returned to Kansas, the check required by this subsection shall not be required to obtain a valid Kansas title or registration.

(c) As used in this act, "identification number" or "vehicle identification number" means an identifying number, serial number, engine number, transmission number or other distinguishing number or mark, placed on a vehicle, engine, transmission or other essential part by its manufacturer or by authority of the division of vehicles or the Kansas highway patrol or in accordance with the laws of another state or country.

(d) The checks made under subsection (b) may be made by:

1. A designee of the superintendent of the Kansas highway patrol; or
2. an employee of a new vehicle dealer, as defined in subsection (b) of K.S.A. 8-2401, and amendments thereto, for the purposes provided for in subsection (f). For checks made by a designee or new vehicle dealer,
10% of each charge shall be remitted to the Kansas highway patrol and the balance of such charges shall be retained by such designee or new vehicle dealer. If the designee is a city or county law enforcement agency, then the balance shall be paid to the law enforcement agency that conducted the inspection. When a check is made under either subsection (a) or (b) by personnel of the Kansas highway patrol, the entire amount of the charge therefor shall be paid to the highway patrol.

(e) There is hereby created the vehicle identification number fee fund. The Kansas highway patrol shall remit all moneys received by the Kansas highway patrol from fees collected under subsection (d) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the vehicle identification number fee fund. All expenditures from the vehicle identification number fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas highway patrol or by a person or persons designated by the superintendent.

(f) An employee of a new vehicle dealer, who has received initial training and certification from the highway patrol, and has met continuing certification requirements, in accordance with rules and regulations adopted by the superintendent of the highway patrol, may provide the checks under subsection (b), in accordance with rules and regulations adopted by the superintendent of the highway patrol, on motor vehicles that a new vehicle dealer purchases through a manufacturer’s sponsored auction or on motor vehicles repurchased or reacquired by a manufacturer, distributor or financing subsidiary of such manufacturer and which are purchased by the new vehicle dealer. At any time, after a hearing in accordance with the provisions of the Kansas administrative procedure act, the superintendent of the highway patrol may revoke, suspend, decline to renew or decline to issue certification for failure to comply with the provisions of this subsection, including any rules and regulations.

Sec. 2. K.S.A. 2010 Supp. 8-259 is hereby amended to read as follows: 8-259. (a) Except in the case of mandatory revocation under K.S.A. 8-254 or 8-286, and amendments thereto, mandatory suspension for an alcohol or drug-related conviction under subsection (b) of K.S.A. 8-1014, and amendments thereto, mandatory suspension under K.S.A. 8-262, and amendments thereto, or mandatory disqualification of the privilege to drive a commercial motor vehicle under subsection (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(2)(A), (a)(3)(A) or (a)(3)(B) of K.S.A. 8-2,142, and amendments thereto, the cancellation, suspension, revocation, disqualification or denial of a person’s driving privileges by the division is subject to review. Such review shall be in accordance with the Kansas judicial review act for judicial review and civil enforcement of agency actions. In the case of review of an order
of suspension under K.S.A. 8-1001 et seq., and amendments thereto, or of
an order of disqualification under subsection (a)(1)(D) of K.S.A. 8-2,142,
and amendments thereto, the petition for review shall be filed within 14
days after the effective date of the order and venue of the action for review
is the county where the administrative proceeding was held or the county
where the person was arrested. In all other cases, the time for filing the
petition is as provided by K.S.A. 77-613, and amendments thereto, and
venue is the county where the licensee resides. The action for review shall
be by trial de novo to the court. The court shall take testimony, examine
the facts of the case and determine whether the petitioner is entitled to
driving privileges or whether the petitioner’s driving privileges are subject
to suspension, cancellation or revocation under the provisions of this act.
Unless the petitioner’s driving privileges have been extended pursuant to
subsection (o) of K.S.A. 8-1020, and amendments thereto, the court on
review may grant a stay or other temporary remedy pursuant to K.S.A. 77-
616, and amendments thereto, after considering the petitioner’s traffic vi-
olations record and liability insurance coverage. If a stay is granted, it shall
be considered equivalent to any license surrendered. If a stay is not granted,
trial shall be set upon 21 days’ notice to the legal services bureau of the
department of revenue. No stay shall be issued if a person’s driving privi-
leges are canceled pursuant to K.S.A. 8-250, and amendments thereto.

(b) The clerk of any court to which an appeal has been taken under this
section, within 14 days after the final disposition of such appeal, shall for-
ward a notification of the final disposition to the division.

Sec. 3. K.S.A. 2010 Supp. 8-1020 is hereby amended to read as fol-
lows: 8-1020. (a) Any licensee served with an officer’s certification and
notice of suspension pursuant to K.S.A. 8-1002, and amendments thereto,
may request an administrative hearing. Such request may be made either by:

(1) Mailing a written request which is postmarked 14 days after service
of notice; or

(2) transmitting a written request by electronic facsimile which is re-
ceived by the division within 14 days after service of notice.

(b) If the licensee makes a timely request for an administrative hearing,
any temporary license issued pursuant to K.S.A. 8-1002, and amendments
thereto, shall remain in effect until the 30th day after the effective date of
the decision made by the division.

(c) If the licensee fails to make a timely request for an administrative
hearing, the licensee’s driving privileges shall be suspended or suspended
and then restricted in accordance with the notice of suspension served pur-
suant to K.S.A. 8-1002, and amendments thereto.

(d) Upon receipt of a timely request for a hearing, the division shall
forthwith set the matter for hearing before a representative of the director
and provide notice of the extension of temporary driving privileges. The
hearing shall be held by telephone conference call unless the hearing request includes a request that the hearing be held in person before a representative of the director. The officer’s certification and notice of suspension shall inform the licensee of the availability of a hearing before a representative of the director. Except for a hearing conducted by telephone conference call, the hearing shall be conducted in the county where the arrest occurred or a county adjacent thereto.

(e) Except as provided in subsection (f), prehearing discovery shall be limited to the following documents, which shall be provided to the licensee or the licensee’s attorney no later than seven days prior to the date of hearing:

(1) The officer’s certification and notice of suspension;
(2) in the case of a breath or blood test failure, copies of documents indicating the result of any evidentiary breath or blood test administered at the request of a law enforcement officer;
(3) in the case of a breath test failure, a copy of the affidavit showing certification of the officer and the instrument; and
(4) in the case of a breath test failure, a copy of the Kansas department of health and environment testing protocol checklist.

(f) At or prior to the time the notice of hearing is sent, the division shall issue an order allowing the licensee or the licensee’s attorney to review any video or audio tape record made of the events upon which the administrative action is based. Such review shall take place at a reasonable time designated by the law enforcement agency and shall be made at the location where the video or audio tape is kept. The licensee may obtain a copy of any such video or audio tape upon request and upon payment of a reasonable fee to the law enforcement agency, not to exceed $25 per tape.

(g) Witnesses at the hearing shall be limited to the licensee, to any law enforcement officer who signed the certification form and to one other witness who was present at the time of the issuance of the certification and called by the licensee. The presence of the certifying officer or officers shall not be required, unless requested by the licensee at the time of making the request for the hearing. The examination of a law enforcement officer shall be restricted to the factual circumstances relied upon in the officer’s certification.

(h) (1) If the officer certifies that the person refused the test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;
(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 person refused to submit to and complete a test as requested by a law enforcement officer.

(2) If the officer certifies that the person failed a breath test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system;
(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;
(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;
(D) the testing equipment used was certified by the Kansas department of health and environment;
(E) the person who operated the testing equipment was certified by the Kansas department of health and environment;
(F) the testing procedures used substantially complied with the procedures set out by the Kansas department of health and environment;
(G) the test result determined that the person had an alcohol concentration of .08 or greater in such person’s breath; and
(H) the person was operating or attempting to operate a vehicle.

(3) If the officer certifies that the person failed a blood test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system;
(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;
(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;
(D) the testing equipment used was reliable;
(E) the person who operated the testing equipment was qualified;
(F) the testing procedures used were reliable;
(G) the test result determined that the person had an alcohol concentration of .08 or greater in such person’s blood; and
(H) the person was operating or attempting to operate a vehicle.

(i) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, an affidavit of the custodian of records at
the Kansas department of health and environment stating that the breath
testing device was certified and the operator of such device was certified
on the date of the test shall be admissible into evidence in the same manner
and with the same force and effect as if the certifying officer or employee
of the Kansas department of health and environment had testified in person.
A certified operator of a breath testing device shall be competent to testify
regarding the proper procedures to be used in conducting the test.
    (j) At a hearing pursuant to this section, or upon court review of an
order entered at such a hearing, in which the report of blood test results
have been prepared by the Kansas bureau of investigation or other forensic
laboratory of a state or local law enforcement agency are to be introduced
as evidence, the report, or a copy of the report, of the findings of the forensic
examiner shall be admissible into evidence in the same manner and with
the same force and effect as if the forensic examiner who performed such
examination, analysis, comparison or identification and prepared the report
thereon had testified in person.
    (k) At the hearing, the licensee has the burden of proof by a prepon-
derance of the evidence to show that the facts set out in the officer’s cer-
tification are false or insufficient and that the order suspending or suspend-
ning and restricting the licensee’s driving privileges should be dismissed.
    (l) Evidence at the hearing shall be limited to the following:
        (1) The documents set out in subsection (e);
        (2) the testimony of the licensee;
        (3) the testimony of any certifying officer;
        (4) the testimony of any witness present at the time of the issuance of
            the certification and called by the licensee;
        (5) any affidavits submitted from other witnesses;
        (6) any documents submitted by the licensee to show the existence of
            a medical condition, as described in K.S.A. 8-1001, and amend ments
            thereto; and
        (7) any video or audio tape record of the events upon which the ad-
            ministrative action is based.
    (m) After the hearing, the representative of the director shall enter an
order affirming the order of suspension or suspension and restriction of
driving privileges or for good cause appearing therefor, dismiss the admin-
istrative action. If the representative of the director enters an order affirming
the order of suspension or suspension and restriction of driving privileges,
the suspension or suspension and restriction shall begin on the 30th day
after the effective date of the order of suspension or suspension and restric-
tion. If the person whose privileges are suspended is a nonresident licensee,
the license of the person shall be forwarded to the appropriate licensing
authority in the person’s state of residence if the result at the hearing is
adverse to such person or if no timely request for a hearing is received.
    (n) The representative of the director may issue an order at the close
of the hearing or may take the matter under advisement and issue a hearing
order at a later date. If the order is made at the close of the hearing, the
licensee or the licensee’s attorney shall be served with a copy of the order
by the representative of the director. If the matter is taken under advisement
or if the hearing was by telephone conference call, the licensee and any
attorney who appeared at the administrative hearing upon behalf of the
licensee each shall be served with a copy of the hearing order by mail. Any
law enforcement officer who appeared at the hearing also may be mailed a
copy of the hearing order. The effective date of the hearing order shall be
the date upon which the hearing order is served, whether served in person
or by mail.

(o) The licensee may file a petition for review of the hearing order
pursuant to K.S.A. 8-259, and amendments thereto. Upon filing a petition
for review, the licensee shall serve the secretary of revenue with a copy of
the petition and summons. Upon receipt of a copy of the petition for review
by the secretary, the temporary license issued pursuant to subsection (b)
shall be extended until the decision on the petition for review is final.

(p) Such review shall be in accordance with this section and the Kansas
judicial review act for judicial review and civil enforcement of agency
actions. To the extent that this section and any other provision of law con-
flicts, this section shall prevail. The petition for review shall be filed within
14 days after the effective date of the order. Venue of the action for review
is the county where the person was arrested or the accident occurred, or, if
the hearing was not conducted by telephone conference call, the county
where the administrative proceeding was held. The action for review shall
be by trial de novo to the court and the evidentiary restrictions of subsection
(l) shall not apply to the trial de novo. The court shall take testimony,
examine the facts of the case and determine whether the petitioner is entitled
to driving privileges or whether the petitioner’s driving privileges are sub-
ject to suspension or suspension and restriction under the provisions of this
act. If the court finds that the grounds for action by the agency have been
met, the court shall affirm the agency action.

(q) Upon review, the licensee shall have the burden to show that the
decision of the agency should be set aside.

(r) Notwithstanding the requirement to issue a temporary license in
K.S.A. 8-1002, and amendments thereto, and the requirements to extend
the temporary license in this section, any such temporary driving privileges
are subject to restriction, suspension, revocation or cancellation as provided
in K.S.A. 8-1014, and amendments thereto, or for other cause.

(s) Upon motion by a party, or on the court’s own motion, the court
may enter an order restricting the driving privileges allowed by the tem-
porary license provided for in K.S.A. 8-1002, and amendments thereto, and
in this section. The temporary license also shall be subject to restriction,
suspension, revocation or cancellation, as set out in K.S.A. 8-1014, and
amendments thereto, or for other cause.

(t) The facts found by the hearing officer or by the district court upon
a petition for review shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect the suspension or suspension and restriction to be imposed under this section.

(u) All notices affirming or canceling a suspension under this section, all notices of a hearing held under this section and all issuances of temporary driving privileges pursuant to this section shall be sent by first-class mail and a United States post office certificate of mailing shall be obtained therefor. All notices so mailed shall be deemed received three days after mailing, except that this provision shall not apply to any licensee where such application would result in a manifest injustice.

(v) The provisions of K.S.A. 60-206, and amendments thereto, regarding the computation of time shall be applicable in determining the time for requesting an administrative hearing as set out in subsection (a) and to the time for filing a petition for review pursuant to subsection (o) and K.S.A. 8-259, and amendments thereto.

Sec. 4. K.S.A. 2010 Supp. 8-2118 is hereby amended to read as follows:

8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check in any manner accepted by the court. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<table>
<thead>
<tr>
<th>Description of Offense</th>
<th>Statute</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refusal to submit to a preliminary breath test</td>
<td>8-1012</td>
<td>$105</td>
</tr>
<tr>
<td>Unsafe speed for prevailing conditions</td>
<td>8-1557</td>
<td>$75</td>
</tr>
<tr>
<td>Violation</td>
<td>Code</td>
<td>Fine</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
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<td>---------------</td>
</tr>
<tr>
<td>Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone</td>
<td>8-1558 to 8-1560a or 8-1860b</td>
<td>10 mph over the limit, $45; 11-20 mph over the limit, $45 plus $6 per mph over 10 mph over the limit; 21-30 mph over the limit, $105 plus $9 per mph over 20 mph over the limit; 31 and more mph over the limit, $195 plus $15 per mph over 30 mph over the limit;</td>
</tr>
<tr>
<td>Disobeying traffic control device</td>
<td>8-1507</td>
<td>$75</td>
</tr>
<tr>
<td>Violating traffic control signal</td>
<td>8-1508</td>
<td>$75</td>
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<tr>
<td>Violating pedestrian control signal</td>
<td>8-1509</td>
<td>$45</td>
</tr>
<tr>
<td>Violating flashing traffic signals</td>
<td>8-1510</td>
<td>$75</td>
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<tr>
<td>Violating lane-control signal</td>
<td>8-1511</td>
<td>$75</td>
</tr>
<tr>
<td>Unauthorized sign, signal, marking or device</td>
<td>8-1512</td>
<td>$45</td>
</tr>
<tr>
<td>Driving on left side of roadway</td>
<td>8-1514</td>
<td>$75</td>
</tr>
<tr>
<td>Failure to keep right to pass oncoming vehicle</td>
<td>8-1515</td>
<td>$75</td>
</tr>
<tr>
<td>Improper passing; increasing speed when passed</td>
<td>8-1516</td>
<td>$75</td>
</tr>
<tr>
<td>Improper passing on right</td>
<td>8-1517</td>
<td>$75</td>
</tr>
<tr>
<td>Passing on left with insufficient clearance</td>
<td>8-1518</td>
<td>$75</td>
</tr>
<tr>
<td>Improper passing on right</td>
<td>8-1519</td>
<td>$75</td>
</tr>
<tr>
<td>Driving on left side where curve, grade, intersection railroad crossing, or obstructed view</td>
<td>8-1520</td>
<td>$75</td>
</tr>
<tr>
<td>Driving on left in no-passing zone</td>
<td>8-1520a</td>
<td>$75</td>
</tr>
<tr>
<td>Improper driving on laned roadway</td>
<td>8-1522</td>
<td>$75</td>
</tr>
<tr>
<td>Following too close</td>
<td>8-1523</td>
<td>$75</td>
</tr>
<tr>
<td>Improper crossover on divided highway</td>
<td>8-1524</td>
<td>$45</td>
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<tr>
<td>Failure to yield right-of-way at uncontrolled intersection</td>
<td>8-1526</td>
<td>$75</td>
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<tr>
<td>Failure to yield to approaching vehicle when turning left</td>
<td>8-1527</td>
<td>$75</td>
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<tr>
<td>Failure to yield at stop or yield sign</td>
<td>8-1528</td>
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<tr>
<td>Failure to yield from private road or driveway</td>
<td>8-1529</td>
<td>$75</td>
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<tr>
<td>Failure to yield to emergency vehicle</td>
<td>8-1530</td>
<td>$195</td>
</tr>
<tr>
<td>Failure to yield to pedestrian or vehicle working on roadway</td>
<td>8-1531</td>
<td>$105</td>
</tr>
<tr>
<td>Failure to comply with restrictions in road construction zone</td>
<td>8-1531a</td>
<td>$45</td>
</tr>
<tr>
<td>Disobeying pedestrian traffic control device</td>
<td>8-1532</td>
<td>$45</td>
</tr>
<tr>
<td>Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk</td>
<td>8-1533</td>
<td>$75</td>
</tr>
<tr>
<td>Improper pedestrian crossing</td>
<td>8-1534</td>
<td>$45</td>
</tr>
<tr>
<td>Failure to exercise due care in regard to pedestrian</td>
<td>8-1535</td>
<td>$45</td>
</tr>
<tr>
<td>Improper pedestrian movement in crosswalk</td>
<td>8-1536</td>
<td>$45</td>
</tr>
<tr>
<td>Improper use of roadway by pedestrian</td>
<td>8-1537</td>
<td>$45</td>
</tr>
<tr>
<td>Soliciting ride or business on roadway</td>
<td>8-1538</td>
<td>$45</td>
</tr>
<tr>
<td>Driving through safety zone</td>
<td>8-1539</td>
<td>$45</td>
</tr>
</tbody>
</table>
Failure to yield to pedestrian on sidewalk 8-1540 $45
Failure of pedestrian to yield to emergency vehicle 8-1541 $45
Failure to yield to blind pedestrian 8-1542 $45
Pedestrian disobeying bridge or railroad signal 8-1544 $45
Improper turn or approach 8-1545 $75
Improper "U" turn 8-1546 $75
Unsafe starting of stopped vehicle 8-1547 $45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully 8-1548 $75
Improper method of giving notice of intention to turn 8-1549 $45
Improper hand signal 8-1550 $45
Failure to stop or obey railroad crossing signal 8-1551 $195
Failure to stop at railroad crossing stop sign 8-1552 $135
Certain hazardous vehicles failure to stop at railroad crossing 8-1553 $195
Improper moving of heavy equipment at railroad crossing 8-1554 $75
Vehicle emerging from alley, private roadway, building or driveway 8-1555 $75
Improper passing of school bus; improper use of school bus signals 8-1556 $315
Improper passing of church or day-care bus; improper use of signals 8-1556a $195
Impeding normal traffic by slow speed 8-1561 $45
Speeding on motor-driven cycle 8-1562 $75
Speeding in certain vehicles or on posted bridge 8-1563 $45
Improper stopping, standing or parking on roadway 8-1569 $45
Parking, standing or stopping in prohibited area 8-1571 $45
Improper parking 8-1572 $45
Unattended vehicle 8-1573 $45
Improper backing 8-1574 $45
Driving on sidewalk 8-1575 $45
Driving with view or driving mechanism obstructed 8-1576 $45
Unsafe opening of vehicle door 8-1577 $45
Riding in house trailer 8-1578 $45
Unlawful riding on vehicle 8-1578a $75
Improper driving in defiles, canyons, or on grades 8-1579 $45
Coasting 8-1580 $45
Following fire apparatus too closely 8-1581 $75
Driving over fire hose 8-1582 $45
Putting glass, etc., on highway 8-1583 $105
Driving into intersection, crosswalk, or crossing without sufficient space on other side 8-1584 $45
Improper operation of snowmobile on highway 8-1585 $45
Parental responsibility of child riding bicycle 8-1586 $45
Not riding on bicycle seat; too many persons on bicycle 8-1588 $45
Clinging to other vehicle 8-1589 $45
Improper riding of bicycle on roadway 8-1590 $45
<p>| Carrying articles on bicycle; one hand on handlebars | 8-1591 | $45 |
| Improper bicycle lamps, brakes or reflectors | 8-1592 | $45 |
| Improper operation of motorcycle; seats; passengers, bundles | 8-1594 | $45 |
| Improper operation of motorcycle on laned roadway | 8-1595 | $75 |
| Motorcycle clinging to other vehicle | 8-1596 | $45 |
| Improper motorcycle handlebars or passenger equipment | 8-1597 | $75 |
| Motorcycle helmet and eye-protection requirements | 8-1598 | $45 |
| <strong>Unlawful riding on vehicle</strong> | <strong>8-15</strong>78a | <strong>$75</strong> |
| Unlawful operation of all-terrain vehicle | 8-15,100 | $75 |
| Unlawful operation of low-speed vehicle | 8-15,101 | $75 |
| Littering | 8-15,102 | $115 |
| Disobeying school crossing guard | 8-15,103 | $75 |
| Unlawful operation of micro utility truck | 8-15,106 | $75 |
| Failure to remove vehicles in accidents | 8-15,107 | $75 |
| Unlawful operation of golf cart | 8-15,108 | $75 |
| Unlawful operation of work-site utility vehicle | 8-15,109 | $75 |
| <strong>Unlawful display of license plate</strong> | <strong>8-15,110</strong> | <strong>$60</strong> |
| <strong>Unlawful text messaging</strong> | <strong>8-15,111</strong> | <strong>$60</strong> |
| Equipment offenses that are not misdemeanors | 8-1701 | $75 |
| Driving without lights when needed | 8-1703 | $45 |
| Defective headlamps | 8-1705 | $45 |
| Defective tail lamps | 8-1706 | $45 |
| Defective reflector | 8-1707 | $45 |
| Improper stop lamp or turn signal | 8-1708 | $45 |
| Improper lighting equipment on certain vehicles | 8-1710 | $45 |
| Improper lamp color on certain vehicles | 8-1711 | $45 |
| Improper mounting of reflectors and lamps on certain vehicles | 8-1712 | $45 |
| Improper visibility of reflectors and lamps on certain vehicles | 8-1713 | $45 |
| No lamp or flag on projecting load | 8-1715 | $75 |
| Improper lamps on parked vehicle | 8-1716 | $45 |
| Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles | 8-1717 | $45 |
| Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles | 8-1718 | $45 |
| <strong>Unlawful use of spot, fog, or auxiliary lamp</strong> | <strong>8-1719</strong> | <strong>$45</strong> |
| Improper lamps or lights on emergency vehicle | 8-1720 | $45 |
| Improper stop or turn signal | 8-1721 | $45 |
| Improper vehicular hazard warning lamp | 8-1722 | $45 |
| Unauthorized additional lighting equipment | 8-1723 | $45 |
| Improper multiple-beam lights | 8-1724 | $45 |
| Failure to dim headlights | 8-1725 | $75 |
| Improper single-beam headlights | 8-1726 | $45 |
| Improper speed with alternate lighting | 8-1727 | $45 |
| Improper number of driving lamps | 8-1728 | $45 |
| Unauthorized lights and signals | 8-1729 | $45 |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Violation Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-1730</td>
<td>Improper school bus lighting equipment and warning devices</td>
<td>$45</td>
</tr>
<tr>
<td>8-1730a</td>
<td>Unauthorized lights and devices on church or day-care bus</td>
<td>$45</td>
</tr>
<tr>
<td>8-1731</td>
<td>Improper lights on highway construction or maintenance vehicles</td>
<td>$45</td>
</tr>
<tr>
<td>8-1734</td>
<td>Defective or improper use of horn or warning device</td>
<td>$45</td>
</tr>
<tr>
<td>8-1738</td>
<td>Defective muffler</td>
<td>$45</td>
</tr>
<tr>
<td>8-1739</td>
<td>Defective mirror</td>
<td>$45</td>
</tr>
<tr>
<td>8-1740</td>
<td>Defective wipers; obstructed windshield or windows</td>
<td>$45</td>
</tr>
<tr>
<td>8-1742</td>
<td>Improper tires</td>
<td>$45</td>
</tr>
<tr>
<td>8-1742a</td>
<td>Improper flares or warning devices</td>
<td>$45</td>
</tr>
<tr>
<td>8-1745</td>
<td>Improper use of vehicular hazard warning lamps and devices</td>
<td>$45</td>
</tr>
<tr>
<td>8-1747</td>
<td>Improper air-conditioning equipment</td>
<td>$45</td>
</tr>
<tr>
<td>8-1749b</td>
<td>Improper safety belt or shoulder harness</td>
<td>$45</td>
</tr>
<tr>
<td>8-1749</td>
<td>Improper wide-based single tires</td>
<td>$75</td>
</tr>
<tr>
<td>8-1761</td>
<td>Improper compression release engine braking system</td>
<td>$75</td>
</tr>
<tr>
<td>8-1801</td>
<td>Defective motorcycle headlamp</td>
<td>$45</td>
</tr>
<tr>
<td>8-1802</td>
<td>Defective motorcycle tail lamp</td>
<td>$45</td>
</tr>
<tr>
<td>8-1803</td>
<td>Defective motorcycle reflector</td>
<td>$45</td>
</tr>
<tr>
<td>8-1804</td>
<td>Defective motorcycle stop lamps and turn signals</td>
<td>$45</td>
</tr>
<tr>
<td>8-1805</td>
<td>Defective multiple-beam lighting</td>
<td>$45</td>
</tr>
<tr>
<td>8-1806</td>
<td>Improper road-lighting equipment on motor-driven cycles</td>
<td>$45</td>
</tr>
<tr>
<td>8-1807</td>
<td>Defective motorcycle or motor-driven cycle brakes</td>
<td>$45</td>
</tr>
<tr>
<td>8-1808</td>
<td>Improper performance ability of brakes</td>
<td>$45</td>
</tr>
<tr>
<td>8-1809</td>
<td>Operating motorcycle with disapproved braking system</td>
<td>$45</td>
</tr>
<tr>
<td>8-1810</td>
<td>Defective horn, muffler, mirrors or tires</td>
<td>$45</td>
</tr>
<tr>
<td>75-4510a</td>
<td>Unlawful statehouse parking</td>
<td>$30</td>
</tr>
<tr>
<td>8-1909</td>
<td>Exceeding gross weight of vehicle or combination</td>
<td>$30</td>
</tr>
</tbody>
</table>

**Exceeding gross weight on any axle or tandem, triple or quad axles**

<table>
<thead>
<tr>
<th>Section</th>
<th>Violation Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-1908</td>
<td>Exceeding gross weight on any axle or tandem, triple or quad axles</td>
<td>$40</td>
</tr>
</tbody>
</table>

**Failure to obtain proper registration, clearance or to have current certification**

<table>
<thead>
<tr>
<th>Section</th>
<th>Violation Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>66-1324</td>
<td>Failure to obtain proper registration, clearance or to have current certification</td>
<td>$287</td>
</tr>
</tbody>
</table>

**Insufficient liability insurance for motor carriers**

<table>
<thead>
<tr>
<th>Section</th>
<th>Violation Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>66-1,128</td>
<td>Insufficient liability insurance for motor carriers</td>
<td>$137</td>
</tr>
<tr>
<td>or 66-1314</td>
<td></td>
<td>$137</td>
</tr>
</tbody>
</table>

**Failure to obtain interstate motor fuel tax authorization**

<table>
<thead>
<tr>
<th>Section</th>
<th>Violation Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>79-34,122</td>
<td>Failure to obtain interstate motor fuel tax authorization</td>
<td>$137</td>
</tr>
</tbody>
</table>
No authority as private or common carrier 66-1,111 $137
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. 66-1,130, and amendments thereto 66-1,129 $115

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto.

Sec. 5. K.S.A. 2010 Supp. 9-1703, as amended by section 1 of 2011 House Bill No. 2056, is hereby amended to read as follows: 9-1703. (a) The expense of every regular examination, together with the expense of administering the banking and savings and loan laws, including salaries, travel expenses, supplies and equipment, shall be paid by the banks and savings and loan associations of the state, and for this purpose the bank commissioner shall, prior to the beginning of each fiscal year, make an
estimate of the expenses to be incurred by the department during such fiscal year. From this total amount the commissioner shall deduct the estimated amount of the anticipated annual income to the fund from all sources other than bank and savings and loan association assessments. The commissioner shall allocate and assess the remainder to the banks and savings and loan associations in the state on the basis of their total assets, as reflected in the last March 31 report called for by the federal deposit insurance corporation under the provisions of section 7 of the federal deposit insurance act, 12 U.S.C. § 1817, and amendments thereto, or K.S.A. 17-5610, and amendments thereto, except that the annual assessment will not be less than $1,000 for any bank or savings and loan association.

(b) The expense of every regular trust examination, together with the expense of administering trust laws, including salaries, travel expenses, supplies and equipment, shall be paid by the trust companies and trust departments of banks of this state, and for this purpose, the bank commissioner, prior to the beginning of each fiscal year, shall make an estimate of the trust expenses to be incurred by the department during such fiscal year. The commissioner shall allocate and assess the trust departments in the state on the basis of their total fiduciary assets, as reflected in the last December 31 report called for by the federal deposit insurance corporation under the provisions of section 7 of the federal deposit insurance act, 12 U.S.C. § 1817, and amendments thereto, or K.S.A. 17-5610, and amendments thereto, except that the annual assessment shall not be less than $1,000 for any active trust department. The commissioner shall allocate and assess the trust companies in the state on the basis of their fiduciary assets as reflected in the last December 31 report filed with the commissioner pursuant to K.S.A. 9-1704, and amendments thereto, except that the annual assessment will not be less than $1,000 for any active trust company. A trust department which has no fiduciary assets, as reflected in the last December 31 report called for by the federal deposit insurance corporation under the provisions of section 7 of the federal deposit insurance act, 12 U.S.C. § 1817, and amendments thereto, or K.S.A. 17-5610, and amendments thereto, may be granted inactive status by the commissioner and the annual assessment shall not be more than $100 for the inactive trust department. A trust company which has no fiduciary assets, as reflected in the last preceding year-end report filed with the commissioner, may be granted inactive status by the commissioner and the annual assessment shall not be more than $100 for an inactive trust company. No inactive trust department or trust company shall accept any fiduciary assets or exercise any part of or all of its trust authority until such time as it has applied for and received prior written approval of the commissioner to reactivate its trust authority.

(c) A statement of each assessment made under the provisions of subsection (a) or (b) shall be sent by the commissioner on July 1 or the next business day thereafter, to each bank, savings and loan association, trust department and trust company that exists as a corporate entity with the
secretary of state’s office as of the close of business on June 30, and is authorized by the office of the state bank commissioner to conduct banking, savings and loan or trust business. The assessment may be collected by the state bank commissioner as needed and in such installment periods as the commissioner deems appropriate, but no more frequently than monthly. When the commissioner issues an invoice to collect the assessment, payment shall be due within 15 days of the date of the invoice. The commissioner may impose a penalty upon any bank, savings and loan association, trust department or trust company which fails to pay its annual assessment when it is 15 days or more past due. The penalty shall be assessed in the amount of $50 for each day the assessment is past due.

The commissioner shall remit all moneys received from such examination fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty Ten percent of each deposit shall be credited to the state general fund and the balance shall be credited to the bank commissioner fee fund. All expenditures from the bank commissioner fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner or by a person or persons designated by the commissioner.

(d) The amount of expenses incurred and the cost of service performed on account of any bank, trust department or trust company or other corporation which are outside the normal expenses of an examination required under the provisions of K.S.A. 9-1701 or 17-5612, and amendments thereto, shall be charged to and paid by the bank, trust department, trust company or corporation for which such expenses were incurred or cost of services performed.

(e) As used in this section, ‘‘savings and loan association’’ means a Kansas state-chartered savings and loan association.

(f) (1) In the event a bank, savings and loan association or trust company is merged into, consolidated with, or the assets and liabilities of which are purchased and assumed by another bank, savings and loan association or trust company, between the preceding March 31 and June 30, for banks and savings and loan associations, or the preceding December 31 and June 30, for trust companies, the surviving or acquiring bank, savings and loan association or trust company is obligated to pay the assessment based on the value of the assets of all institutions involved with the merger, consolidation or assumption for the following fiscal year commencing July 1.

(2) In the event a bank, savings and loan association, or trust company is merged into, consolidated with, or the assets and liabilities of which are purchased and assumed by another bank, savings and loan association or trust company after July 1, the surviving entity shall be obligated to pay the unpaid portion of the assessment for the remainder of the fiscal year.
commencing July 1 which would have been due of the institution being merged, consolidated or assumed.

Sec. 6. K.S.A. 2010 Supp. 12-1774 is hereby amended to read as follows: 12-1774. (a) (1) Any city shall have the power to issue special obligation bonds in one or more series and/or execute and deliver a loan from the Kansas transportation revolving fund pursuant to K.S.A. 2010 Supp. 75-5063 et seq., and amendments thereto, to finance the undertaking of any redevelopment project or bioscience development project in accordance with the provisions of this act. Such special obligation bonds or loans shall be made payable, both as to principal and interest:

(A) From tax increments allocated to, and paid into a special fund of the city under the provisions of K.S.A. 12-1775, and amendments thereto;

(B) from revenues of the city derived from or held in connection with the undertaking and carrying out of any redevelopment project or projects or bioscience development project or projects under this act including environmental increments;

(C) from any private sources, contributions or other financial assistance from the state or federal government;

(D) from a pledge of all of the revenue received by the city from any transient guest and local sales and use taxes which are collected from taxpayers doing business within that portion of the city’s redevelopment district or bioscience development district established pursuant to K.S.A. 12-1771, and amendments thereto, occupied by a redevelopment project or bioscience development project. A city proposing to finance a major motorsports complex pursuant to this paragraph shall prepare a project plan which shall include:

(i) A summary of the feasibility study done, as defined in K.S.A. 12-1770a, and amendments thereto, which will be an open record;

(ii) a reference to the district plan established under K.S.A. 12-1771, and amendments thereto, that identifies the project area that is set forth in the project plan that is being considered;

(iii) a description and map of the location of the facility that is the subject of the special bond project or major motorsports complex;

(iv) the relocation assistance plan required by K.S.A. 12-1777, and amendments thereto;

(v) a detailed description of the buildings and facilities proposed to be constructed or improved; and

(vi) any other information the governing body deems necessary to advise the public of the intent of the special bond project or major motorsports complex plan.

The project plan shall be prepared in consultation with the planning commission of the city. Such project plan shall also be prepared in consultation with the planning commission of the county, if any, if a major motorsports complex is located wholly outside the boundaries of the city.
(E) from a pledge of a portion or all increased revenue received by the city from: (i) Franchise fees collected from utilities and other businesses using public right-of-way within the redevelopment district; (ii) from a pledge of all or a portion of the revenue received by the city from sales taxes; or (iii) both of the above;

(F) with the approval of the county, from a pledge of all of the revenues received by the county from any transient guest, local sales and use taxes which are collected from taxpayers doing business within that portion of the redevelopment district established pursuant to K.S.A. 12-1771, and amendments thereto;

(G) if a project is financed in whole or in part with the proceeds of a loan to the municipality from the Kansas transportation revolving fund, such loan shall also be payable from amounts available pursuant to K.S.A. 2010 Supp. 75-5063 et seq., and amendments thereto;

(H) by any combination of these methods.

The city may pledge such revenue to the repayment of such special obligation bonds prior to, simultaneously with, or subsequent to the issuance of such special obligation bonds.

(2) Bonds issued under paragraph (1) of subsection (a) shall not be general obligations of the city, nor in any event shall they give rise to a charge against its general credit or taxing powers, or be payable out of any funds or properties other than any of those set forth in paragraph (1) of this subsection and such bonds shall state so on their face. This paragraph shall not apply to loans from the Kansas transportation revolving fund pursuant to K.S.A. 2010 Supp. 75-5063 et seq., and amendments thereto.

(3) Bonds issued under the provisions of paragraph (1) of this subsection shall be special obligations of the city and are declared to be negotiable instruments. They shall be executed by the mayor and clerk of the city and sealed with the corporate seal of the city. All details pertaining to the issuance of such special obligation bonds and terms and conditions thereof shall be determined by ordinance of the city. All special obligation bonds issued pursuant to this act and all income or interest therefrom shall be exempt from all state taxes except inheritance taxes. Such special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. Such special obligation bonds shall, however, contain the following recitals, viz., the authority under which such special obligation bonds are issued, they are in conformity with the provisions, restrictions and limitations thereof, and that such special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in paragraph (1) of this subsection.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, any city shall have the power to issue full faith and credit tax increment bonds to finance the undertaking of any redevelopment project in accordance with the provisions of K.S.A. 12-1770 et seq., and amendments thereto, other than a project that will create a major tourism area. Such full
faith and credit tax increment bonds shall be made payable, both as to principal and interest: (A) From the revenue sources identified in paragraph (1) of subsection (a) or by any combination of these sources; and (B) subject to the provisions of paragraph (2) of this subsection, from a pledge of the city’s full faith and credit to use its ad valorem taxing authority for repayment thereof in the event all other authorized sources of revenue are not sufficient.

(2) Except as provided in paragraph (3) of this subsection, before the governing body of any city proposes to issue full faith and credit tax increment bonds as authorized by this subsection, the feasibility study required by K.S.A. 12-1772, and amendments thereto, shall demonstrate that the benefits derived from the project will exceed the cost and that the income therefrom will be sufficient to pay the costs of the project. No full faith and credit tax increment bonds shall be issued unless the governing body states in the resolution required by K.S.A. 12-1772, and amendments thereto, that it may issue such bonds to finance the proposed redevelopment project.

The governing body may issue the bonds unless within 60 days following the date of the public hearing on the proposed project plan a protest petition signed by 3% of the qualified voters of the city is filed with the city clerk in accordance with the provisions of K.S.A. 25-3601 et seq., and amendments thereto. If a sufficient petition is filed, no full faith and credit tax increment bonds shall be issued until the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law.

The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds in accordance with this section.

No such election shall be held in the event the board of county commissioners or the board of education determines, as provided in K.S.A. 12-1771, and amendments thereto, that the proposed redevelopment district will have an adverse effect on the county or school district.

(3) As an alternative to paragraph (2) of this subsection, any city which adopts a redevelopment project plan but does not state its intent to issue full faith and credit tax increment bonds in the resolution required by K.S.A. 12-1772, and amendments thereto, and has not acquired property in the redevelopment project area may issue full faith and credit tax increment bonds if the governing body of the city adopts a resolution stating its intent to issue the bonds and the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law.

The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds pursuant to paragraph (1) of subsection (a). Any project plan adopted by a city prior to the effective date of this act in accordance with
K.S.A. 12-1772, and amendments thereto, shall not be invalidated by any requirements of this act.

(4) During the progress of any redevelopment project in which the redevelopment project costs will be financed, in whole or in part, with the proceeds of full faith and credit tax increment bonds, the city may issue temporary notes in the manner provided in K.S.A. 10-123, and amendments thereto, to pay the redevelopment project costs for the project. Such temporary notes shall not be issued and the city shall not acquire property in the redevelopment project area until the requirements of paragraph (2) or (3) of this subsection, whichever is applicable, have been met.

(5) Full faith and credit tax increment bonds issued under this subsection shall be general obligations of the city and are declared to be negotiable instruments. They shall be issued in accordance with the general bond law. All such bonds and all income or interest therefrom shall be exempt from all state taxes except inheritance taxes. The amount of the full faith and credit tax increment bonds issued and outstanding which exceeds 3% of the assessed valuation of the city shall be within the bonded debt limit applicable to such city.

(6) Any city issuing special obligation bonds or full faith and credit tax increment bonds under the provisions of this act may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(c) Any increment in ad valorem property taxes resulting from a redevelopment project in the established redevelopment district undertaken in accordance with the provisions of this act, shall be apportioned to a special fund for the payment of the redevelopment project costs, including the payment of principal and interest on any special obligation bonds or full faith and credit tax increment bonds issued to finance such project pursuant to this act and may be pledged to the payment of principal and interest on such bonds.

(d) A city may use the proceeds of special obligation bonds or full faith and credit tax increment bonds, or proceeds of a loan from the Kansas transportation revolving fund pursuant to K.S.A. 2010 Supp. 75-5063 et seq., and amendments thereto, or any uncommitted funds derived from sources set forth in this section to pay the redevelopment project costs as defined in K.S.A. 12-1770a, and amendments thereto, to implement the redevelopment project plan.

Sec. 7. K.S.A. 2010 Supp. 12-17,149 is hereby amended to read as follows: 12-17,149. (a) Any municipality may issue bonds in one or more series and/or execute and deliver a loan with respect to a project from the Kansas transportation revolving fund pursuant to K.S.A. 2010 Supp. 75-5063 et seq., and amendments thereto, to finance the undertaking of any project in accordance with the provisions of this act. Such bonds shall be made payable, both as to principal and interest solely from a pledge of the
sources of funds described in K.S.A. 2010 Supp. 12-17,147, and amendments thereto, except that, if a project is financed, in whole or in part, with the proceeds of a loan to the municipality from the Kansas transportation revolving fund, such loan shall also be payable from amounts available pursuant to K.S.A. 2010 Supp. 75-5063 et seq., and amendments thereto. The municipality may pledge such revenue to the repayment of such bonds or loans prior to, simultaneously with or subsequent to the issuance of such bonds, except for any revenues received under the provisions of subsection (d) of K.S.A. 2010 Supp. 12-17,147, and amendments thereto, which revenues are subject to annual appropriation.

(b) Bonds issued pursuant to subsection (a) shall not be general obligations of the municipality, give rise to a charge against its general credit or taxing powers, or be payable out of any funds or properties other than any of those set forth in subsection (a) and such bonds shall so state on their face. This subsection shall not apply to loans from the Kansas transportation revolving fund pursuant to K.S.A. 2010 Supp. 75-5063 et seq., and amendments thereto.

(c) Bonds issued pursuant to subsection (a) shall be special obligations of the municipality and are declared to be negotiable instruments. Such bonds shall be executed by the authorized representatives of the municipality and sealed with the corporate seal of the municipality. All details pertaining to the issuance of the bonds and terms and conditions thereof shall be determined by ordinance or resolution of the municipality. The provisions of K.S.A. 10-106, and amendments thereto, requiring a public sale of bonds shall not apply to bonds issued under this act. All bonds issued pursuant to this act and all income or interest therefrom shall be exempt from all state taxes except inheritance taxes. Such bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. Such bonds shall contain the following recitals: The authority under which such bonds are issued; that such bonds are in conformity with the provisions, restrictions and limitations thereof; and that such bonds and the interest thereon are to be paid from the money and revenue received as provided in subsection (a) such bonds shall mature in no more than 22 years.

(d) Any municipality issuing bonds or executing a loan from the Kansas transportation revolving fund pursuant to K.S.A. 2010 Supp. 75-5063 et seq., and amendments thereto, under the provisions of this act may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(e) Bonds issued under the provisions of this act shall be in addition to and not subject to any statutory limitation of bonded indebtedness imposed on such municipality.

Sec. 8. K.S.A. 2010 Supp. 12-4117 is hereby amended to read as follows: 12-4117. (a) In each case filed in municipal court charging a crime other than a nonmoving traffic violation, where there is a finding of guilty
or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum in an amount of $20 shall be assessed and such assessment shall be credited as follows:

One dollar to the local law enforcement training reimbursement fund established pursuant to K.S.A. 74-5620, and amendments thereto, $11.50 to the law enforcement training center fund established pursuant to K.S.A. 74-5619, and amendments thereto, $2.50 to the Kansas commission on peace officers’ standards and training fund established by K.S.A. 74-5619, and amendments thereto, $2 to the juvenile detention facilities fund established pursuant to K.S.A. 79-4803, and amendments thereto, to be expended for operational costs of facilities for the detention of juveniles, $.50 to the protection from abuse fund established pursuant to K.S.A. 74-7325, and amendments thereto, $.50 to the crime victims assistance fund established pursuant to K.S.A. 74-7334, and amendments thereto, $1 to the trauma fund established pursuant to K.S.A. 2010 Supp. 75-5670, and amendments thereto, and $1 to the department of corrections forensic psychologist fund established pursuant to K.S.A. 2010 Supp. 75-52,151, and amendments thereto.

(b) The judge or clerk of the municipal court shall remit the appropriate assessments received pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the local law enforcement training reimbursement fund, the law enforcement training center fund, the Kansas commission on peace officers’ standards and training fund, the juvenile detention facilities fund, the crime victims assistance fund, the trauma fund and the department of corrections forensic psychologist fund as provided in this section.

Sec. 9. K.S.A. 19-4804 is hereby amended to read as follows: 19-4804.

(a) An application for compensation shall be made in the manner and form prescribed by the state crime victims compensation board. A victim may seek compensation under this act whether or not an offender has been charged with the crime which results in the victim’s loss.

(b) Compensation may not be awarded unless the crime has been reported to an appropriate law enforcement agency within 72 hours after its discovery and the claim has been filed with the local board within 60 days after the filing of such report, unless the local board finds there was good cause for the failure to report such crime within the time required.

(c) Compensation may not be awarded to a victim who was the offender
or an accomplice of the offender and may not be awarded to another person if the award would unjustly benefit the offender or accomplice.

(d) Compensation may not be awarded unless the local board finds the victim has fully cooperated with appropriate law enforcement agencies. The local board may deny, withdraw or reduce an award of compensation for noncooperativeness.

(e) Compensation otherwise payable to a victim shall be diminished:

(1) To the extent, if any, that the economic loss upon which the victim’s claim is based is recouped from other persons, including collateral sources; or

(2) to the extent a local board deems reasonable because of the contributory misconduct of the victim.

(f) Compensation may be awarded only if the local board finds a genuine need is present.

(g) No compensation payment may exceed $500 if the property crime results in a felony charge. If the crime is committed by a juvenile, whether this subsection applies shall be determined on the basis of whether a felony would be charged had the offender been an adult.

(h) No compensation payment may exceed $250 if the property crime results in a misdemeanor or traffic charge. If the crime is committed by a juvenile, whether this subsection applies shall be determined on the basis of whether a misdemeanor would be charged had the offender been an adult. If the original crime charged was a felony and through plea negotiations the adult or juvenile offender is charged with and pleads guilty or nolo contendere to a misdemeanor, in the discretion of the local board, subsection (g) limits may apply to the compensation payment.

(i) If extraordinary circumstances are present and subject to the requirements imposed by subsection (c) of K.S.A. 19-4803, and amendments thereto, the local board may exceed the amounts in subsections (g) and (h).

(j) Compensation for work loss or personal injury due to criminally injurious conduct shall be governed by K.S.A. 74-7301 et seq., and amendments thereto, and rules and regulations promulgated by the state crime victims compensation board for that purpose. No local board may duplicate compensation for criminally injurious conduct through payments under this act.

(k) The local board may determine a floor amount of compensation which would be administratively wasteful. Once such an amount is chosen it shall be made public and must be uniformly applied to all persons filing claims with the local board.

(l) The local board may provide written policy for the handling of an expedited claims process where prompt assistance and payment of services needed to repair property damage is needed to thwart the possibility of the onset of illness or disease to the victim or victim’s family, and where the victim has no other means of paying for such services.

(m) No award made pursuant to this act shall be subject to execution,
attachment, garnishment or other legal process, except that an award for allowable expenses shall not be exempt from a claim of a creditor to the extent the creditor has provided products, services or accommodations the costs of which are included in the payment made pursuant to this act.

(n) No assignment or agreement to assign any right to compensation for loss under this act shall be enforceable in this state.

(o) No local fund shall pay any single individual or such individual’s immediate family member compensation on more than two claims within a given fiscal year.

(p) No claim shall be allowed unless the crime charged is pursuant to article 37 of chapter 21 of Kansas Statutes Annotated, prior to their repeal, or sections 87 through 125 and subsection (a)(6) of section 223 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or similar crimes in county or municipal penal codes. If the crime charged is pursuant to K.S.A. 21-3707, 21-3708, 21-3722, 21-3725, 21-3734, 21-3736, 21-3737, 21-3739, 21-3748, 21-3749, 21-3750, 21-3753, 21-3754 and 21-3756, prior to their repeal, and section 101, subsection (a) of section 103, section 106, section 107, section 116, section 117, section 118 and section 123 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, no claim for compensation under this act shall be allowed. In addition to claims that may be made for criminally injurious conduct with the state crime victims compensation board, a claim for compensation for property damage may be allowed under this act for crimes charged under K.S.A. 21-3418, 21-3426 or 21-3427, prior to their repeal, and section 55 or section 63 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(q) Payment or payments made from a local fund under this act shall not limit, impair or preclude the ability of a court or the parole board to order restitution, and prescribe the manner and conditions of payment of restitution, as allowed by law.

Sec. 10. K.S.A. 20-369, as amended by section 4 of chapter 101 of the 2010 Session Laws of Kansas, is hereby amended to read as follows: 20-369. (a) If a judicial district creates a local fund, the court may impose a fee as provided in this section against any defendant for crimes involving a family or household member as provided in K.S.A. 21-3412a, section 49 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and against any defendant found to have committed a domestic violence offense pursuant to section 1 of chapter 101 of the 2010 Session Laws of Kansas, and amendments thereto. The chief judge of each judicial district where such fee is imposed shall set the amount of such fee by rules adopted in such judicial district in an amount not to exceed $100 per case.

(b) Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the chief judge under this act. All moneys collected by this section shall be paid into the domestic violence special
programs fund in the county where the fee is collected, as established by the judicial district.

(c) Expenditures made in each judicial district shall be determined by the chief judge and shall be paid to domestic violence programs administered by the court and to local programs within the judicial district that enhance a coordinated community justice response to the issue of domestic violence.

Sec. 11. K.S.A. 22-2307, as amended by section 8 of chapter 101 of the 2010 Session Laws of Kansas, is hereby amended to read as follows:
22-2307. (a) All law enforcement agencies in this state shall adopt written policies regarding domestic violence calls as provided in subsection (b). These policies shall be made available to all officers of such agency.
(b) Such written policies shall include, but not be limited to, the following:
(1) A statement directing that when a law enforcement officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in K.S.A. 21-3110 section 11 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, has been committed, the officer shall, without undue delay, arrest the person for which the officer has probable cause to believe committed the crime or offense if such person’s actions were not an act of defense of a person or property as provided in K.S.A. 21-3211, 21-3212, 21-3213, 21-3218 or 21-3219 section 21, section 22, section 23, section 28 or section 29 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(2) a statement that nothing shall be construed to require a law enforcement officer to:
(A) Arrest either party involved in an alleged act of domestic violence when the law enforcement officer determines there is no probable cause to believe that a crime or offense has been committed; or
(B) arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence;
(3) a statement directing that if a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if there is probable cause that each accused person committed a crime or offense and their actions were not an act of defense of a person or property as provided in K.S.A. 21-3211, 21-3212, 21-3213, 21-3218 or 21-3219 section 21, section 22, section 23, section 28 or section 29 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(4) a statement defining domestic violence in accordance with K.S.A. 21-3110 section 11 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(5) a statement describing the dispatchers’ responsibilities;
(6) a statement describing the responding officers’ responsibilities and
procedures to follow when responding to a domestic violence call and the suspect is at the scene;
(7) a statement regarding procedures when the suspect has left the scene of the crime;
(8) procedures for both misdemeanor and felony cases;
(9) procedures for law enforcement officers to follow when handling domestic violence calls involving court orders, including protection from abuse orders, restraining orders and a protective order issued by a court of any state or Indian tribe;
(10) a statement that the law enforcement agency shall provide the following information to victims, in writing:
(A) Availability of emergency and medical telephone numbers, if needed;
(B) the law enforcement agency’s report number;
(C) the address and telephone number of the prosecutor’s office the victim should contact to obtain information about victims’ rights pursuant to K.S.A. 74-7333 and 74-7335 and amendments thereto;
(D) the name and address of the crime victims’ compensation board and information about possible compensation benefits;
(E) advise the victim that the details of the crime may be made public;
(F) advise the victim of such victims’ rights under K.S.A. 74-7333 and 74-7335 and amendments thereto; and
(G) advise the victim of known available resources which may assist the victim; and
(11) whether an arrest is made or not, a standard offense report shall be completed on all such incidents and sent to the Kansas bureau of investigation.

Sec. 12. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.
(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by
law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2011, the supreme court may impose an additional charge, not to exceed $15 per docket fee, to fund the costs of non-judicial personnel.

The petition shall state:

1. The petitioner’s full name;
2. the full name of the petitioner at the time of arrest, if different than the petitioner’s current name;
3. the petitioner’s sex, race and date of birth;
4. the crime for which the petitioner was arrested;
5. the date of the petitioner’s arrest; and
6. the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;
2. a court has found that there was no probable cause for the arrest;
3. the petitioner was found not guilty in court proceedings; or
4. the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
(3) to aid in determining the petitioner’s qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
(4) to aid in determining the petitioner’s qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
(5) in any application for a commercial driver’s license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
(6) to aid in determining the petitioner’s qualifications to be an employee of the state gaming agency;
(7) to aid in determining the petitioner’s qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or
(8) in any other circumstances which the court deems appropriate.
(f) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.
(g) Whenever a petitioner’s arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.
(h) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 13. K.S.A. 2010 Supp. 22-2802, as amended by section 118 of 2011 House Bill No. 2339, is hereby amended to read as follows: 22-2802.
(1) Any person charged with a crime shall, at the person’s first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person’s appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (14) at the
time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(a) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(b) place restrictions on the travel, association or place of abode of the person during the period of release;

(c) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;

(d) place the person under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(e) place the person under the supervision of a court services officer responsible for monitoring the person’s compliance with any conditions of release ordered by the magistrate. The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed $15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the $15 per week.

(2) In addition to any conditions of release provided in subsection (1), for any person charged with a felony, the magistrate may order such person to submit to a drug and alcohol abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug or alcohol abuser or is incapacitated by drugs or alcohol, to submit to treatment for such drug or alcohol abuse, as a condition of release.

(3) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate’s discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered.

(4) A deposit of cash in the amount of the bond may be made in lieu of the execution of the bond pursuant to paragraph (3). Except as provided in paragraph (5), such deposit shall be in the full amount of the bond and in no event shall a deposit of cash in less than the full amount of bond be permitted. Any person charged with a crime who is released on a cash bond shall be entitled to a refund of all moneys paid for the cash bond, after deduction of any outstanding restitution, costs, fines and fees, after the final disposition of the criminal case if the person complies with all requirements
to appear in court. The court may not exclude the option of posting bond pursuant to paragraph (3).

(5) Except as provided further, the amount of the appearance bond shall be the same whether executed as described in subsection (3) or posted with a deposit of cash as described in subsection (4). When the appearance bond has been set at $2,500 or less and the most serious charge against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson felony, a drug severity level 4 felony or a violation of K.S.A. 8-1567, and amendments thereto, the magistrate may allow the person to deposit cash with the clerk in the amount of 10% of the bond, provided the person meets at least the following qualifications:

(A) Is a resident of the state of Kansas;
(B) has a criminal history score category of G, H or I;
(C) has no prior history of failure to appear for any court appearances;
(D) has no detainer or hold from any other jurisdiction;
(E) has not been extradited from, and is not awaiting extradition to, another state; and
(F) has not been detained for an alleged violation of probation.

(6) In the discretion of the court, a person charged with a crime may be released upon the person’s own recognizance by guaranteeing payment of the amount of the bond for the person’s failure to comply with all requirements to appear in court. The release of a person charged with a crime upon the person’s own recognizance shall not require the deposit of any cash by the person.

(7) The court shall not impose any administrative fee.

(8) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the crime charged; the weight of the evidence against the defendant; the defendant’s family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or of flight to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense at the time of the alleged commission of the subsequent offense.

(9) The appearance bond shall set forth all of the conditions of release.

(10) A person for whom conditions of release are imposed and who continues to be detained as a result of the person’s inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.

(11) A magistrate ordering the release of a person on any conditions
specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection (10) shall apply.

(12) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.

(13) The appearance bond and any security required as a condition of the defendant’s release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.

(14) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant’s counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant’s counsel. The defendant shall be informed of the defendant’s right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.

(15) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed $15 per week of such supervision. As a condition of sentencing under section 244 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court may impose the full amount of any such costs in addition to the $15 per week, including, but not limited to, costs for treatment and evaluation under subsection (2).

Sec. 14. K.S.A. 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, is hereby amended to read as follows:

22-2908. (a) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the county or district attorney shall consider at least the following factors among all factors considered:

(1) The nature of the crime charged and the circumstances surrounding it;

(2) any special characteristics or circumstances of the defendant;

(3) whether the defendant is a first-time offender and if the defendant has previously participated in diversion, according to the certification of
the Kansas bureau of investigation or the division of vehicles of the department of revenue;

(4) whether there is a probability that the defendant will cooperate with and benefit from diversion;

(5) whether the available diversion program is appropriate to the needs of the defendant;

(6) the impact of the diversion of the defendant upon the community;

(7) recommendations, if any, of the involved law enforcement agency;

(8) recommendations, if any, of the victim;

(9) provisions for restitution; and

(10) any mitigating circumstances.

(b) A county or district attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint if:

(1) The complaint alleges a violation of K.S.A. 8-1567, and amendments thereto, and the defendant: (A) Has previously participated in diversion upon a complaint alleging a violation of that statute or an ordinance of a city in this state which prohibits the acts prohibited by that statute; (B) has previously been convicted of or pleaded nolo contendere to a violation of that statute or a violation of a law of another state or of a political subdivision of this or any other state, which law prohibits the acts prohibited by that statute; or (C) during the time of the alleged violation was involved in a motor vehicle accident or collision resulting in personal injury or death;

(2) the complaint alleges that the defendant committed a class A or B felony or for crimes committed on or after July 1, 1993, an off-grid crime, a severity level 1, 2 or 3 felony for nondrug crimes or drug severity level 1 or 2 felony for drug crimes; or

(3) the complaint alleges a domestic violence offense, as defined in section 11 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and the defendant has participated in two or more diversions in the previous five year period upon complaints alleging a domestic violence offense.

(c) A county or district attorney may enter into a diversion agreement in lieu of further criminal proceedings on a complaint for violations of article 10 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto, if such diversion carries the same penalties as the conviction for the corresponding violations. If the defendant has previously participated in one or more diversions for violations of article 10 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto, then each subsequent diversion shall carry the same penalties as the conviction for the corresponding violations.

Sec. 15. K.S.A. 2009 Supp. 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas, is hereby amended to read as follows: 22-2909. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as
determined by the attorney general or county or district attorney, such attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to a speedy arraignment, preliminary examinations and hearings, and a speedy trial, and in the case of diversion under subsection (c) waiver of the rights to counsel and trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. If a county creates a local fund under the property crime restitution and compensation act, a county or district attorney may require in all diversion agreements as a condition of diversion the payment of a diversion fee in an amount not to exceed $100. Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the local board under the property crime restitution and victims compensation act.

(b) The diversion agreement shall state: (1) The defendant’s full name; (2) the defendant’s full name at the time the complaint was filed, if different from the defendant’s current name; (3) the defendant’s sex, race and date of birth; (4) the crime with which the defendant is charged; (5) the date the complaint was filed; and (6) the district court with which the agreement is filed.

(c) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, the diversion agreement shall include a stipulation, agreed to by the defendant, the defendant’s attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:

(1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, in accordance with K.S.A. 8-1567, and amendments thereto; and

(2) enroll in and successfully complete an alcohol and drug safety action program or a treatment program, or both, as provided in K.S.A. 8-1008, and amendments thereto, and specified by the agreement, and pay the assessment required by K.S.A. 8-1008, and amendments thereto.

(d) If a diversion agreement is entered into in lieu of further criminal
proceedings on a complaint alleging a domestic violence offense, as defined in K.S.A. 21-3110 section 11 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the diversion agreement shall include a requirement that the defendant undergo a domestic violence offender assessment and follow all recommendations unless otherwise agreed to with the prosecutor in the diversion agreement. The defendant shall be required to pay for such assessment and, unless otherwise agreed to with the prosecutor in the diversion agreement, for completion of all recommendations.

(e) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation other than K.S.A. 8-1567, and amendments thereto, the diversion agreement may include a stipulation, agreed to by the defendant, the defendant’s attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint.

(f) If the person entering into a diversion agreement is a nonresident, the attorney general or county or district attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person’s state of residence.

(g) If the attorney general or county or district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall require the defendant to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the attorney general or county or district attorney finds that the defendant is indigent, the fee may be waived.

(h) Except as provided in subsection (h), if a diversion agreement is entered into in lieu of further criminal proceedings alleging commission of a misdemeanor by the defendant, while under 21 years of age, under K.S.A. 2009 Supp. 21-36a17, and amendments thereto, or K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments thereto, the agreement shall require the defendant to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the attorney general or county or district attorney finds that the defendant is indigent, the fee may be waived.

(i) If the defendant is 18 or more years of age but less than 21 years of age and allegedly committed a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (g) are permissive and not mandatory.
(j) Except diversion agreements reported under subsection (j), the attorney general or county or district attorney shall forward to the Kansas bureau of investigation a copy of the diversion agreement at the time such agreement is filed with the district court. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

(k) At the time of filing the diversion agreement with the district court, the attorney general or county or district attorney shall forward to the division of vehicles of the state department of revenue a copy of any diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

Sec. 16. K.S.A. 2010 Supp. 22-3305 is hereby amended to read as follows: 22-3305. (1) Whenever involuntary commitment proceedings have been commenced by the secretary of social and rehabilitation services as required by K.S.A. 22-3303, and amendments thereto, and the defendant is not committed to a treatment facility as a patient, the defendant shall remain in the institution where committed pursuant to K.S.A. 22-3303, and amendments thereto. The secretary of social and rehabilitation services shall promptly notify the court, the county or district attorney of the county in which the criminal proceedings are pending and the secretary of corrections for the purpose of providing victim notification, of the result of the involuntary commitment proceeding.

(2) Whenever involuntary commitment proceedings have been commenced by the secretary of social and rehabilitation services as required by K.S.A. 22-3303, and amendments thereto, and the defendant is committed to a treatment facility as a patient but thereafter is to be discharged pursuant to the care and treatment act for mentally ill persons, the defendant shall remain in the institution where committed pursuant to K.S.A. 22-3303, and amendments thereto, and the head of the treatment facility shall promptly notify the court, the county or district attorney of the county in which the criminal proceedings are pending and the secretary of corrections for the purpose of providing victim notification, that the defendant is to be discharged.

When giving notification to the court, the county or district attorney and the secretary of corrections pursuant to subsection (1) or (2), the treatment facility shall include in such notification an opinion from the head of the treatment facility as to whether or not the defendant is now competent to stand trial. Upon request of the county or district attorney, the court may set a hearing on the issue of whether or not the defendant has been restored to competency. If such hearing request is granted, the court shall notify the secretary of corrections of the hearing date for the purpose of victim notification. If no such request is made within 40 days after receipt of notice...
pursuant to subsection (1) or (2), the court shall order the defendant to be discharged from commitment and shall dismiss without prejudice the charges against the defendant, and the period of limitation for the prosecution for the crime charged shall not continue to run until the defendant has been determined to have attained competency in accordance with K.S.A. 22-3302, and amendments thereto. The court shall notify the secretary of corrections of the discharge order for the purpose of providing victim notification.

Sec. 17. K.S.A. 2010 Supp. 22-3428 is hereby amended to read as follows: 22-3428. (1) (a) When a defendant is acquitted and the jury answers in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto, the defendant shall be committed to the state security hospital for safekeeping and treatment and the court shall notify the secretary of corrections for the purpose of providing victim notification. A finding of not guilty and the jury answering in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto, shall be prima facie evidence that the acquitted defendant is presently likely to cause harm to self or others.

(b) Within 90 days of the defendant’s admission, the chief medical officer of the state security hospital shall send to the court a written evaluation report. Upon receipt of the report, the court shall set a hearing to determine whether or not the defendant is currently a mentally ill person. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer’s report.

(c) The court shall give notice of the hearing to the chief medical officer of the state security hospital, the district or county attorney, the defendant, the defendant’s attorney and the secretary of corrections for the purpose of providing victim notification. The court shall inform the defendant that such defendant is entitled to counsel and that counsel will be appointed to represent the defendant if the defendant is not financially able to employ an attorney as provided in K.S.A. 22-4503 et seq., and amendments thereto. The defendant shall remain at the state security hospital pending the hearing.

(d) At the hearing, the defendant shall have the right to present evidence and cross-examine witnesses. At the conclusion of the hearing, if the court finds by clear and convincing evidence that the defendant is not currently a mentally ill person, the court shall dismiss the criminal proceeding and discharge the defendant, otherwise the court may commit the defendant to the state security hospital for treatment or may place the defendant on conditional release pursuant to subsection (4). The court shall notify the secretary of corrections of the outcome of the hearing for the purpose of providing victim notification.

(2) Subject to the provisions of subsection (3):

(a) Whenever it appears to the chief medical officer of the state security
hospital that a person committed under subsection (1)(d) is not likely to cause harm to other persons in a less restrictive hospital environment, the officer may transfer the person to any state hospital, subject to the provisions of subsection (3). At any time subsequent thereto during which such person is still committed to a state hospital, if the chief medical officer of that hospital finds that the person may be likely to cause harm or has caused harm, to others, such officer may transfer the person back to the state security hospital.

(b) Any person committed under subsection (1)(d) may be granted conditional release or discharge as an involuntary patient.

(3) Before transfer of a person from the state security hospital pursuant to subsection (2)(a) or conditional release or discharge of a person pursuant to subsection (2)(b), the chief medical officer of the state security hospital or the state hospital where the patient is under commitment shall give notice to the district court of the county from which the person was committed that transfer of the patient is proposed or that the patient is ready for proposed conditional release or discharge. Such notice shall include, but not be limited to: (a) Identification of the patient; (b) the course of treatment; (c) a current assessment of the defendant’s mental illness; (d) recommendations for future treatment, if any; and (e) recommendations regarding conditional release or discharge, if any. Upon receiving notice, the district court shall order that a hearing be held on the proposed transfer, conditional release or discharge. The court shall give notice of the hearing to the state hospital or state security hospital where the patient is under commitment, to the district or county attorney of the county from which the person was originally ordered committed and the secretary of corrections for the purpose of providing victim notification. The court shall order the involuntary patient to undergo a mental evaluation by a person designated by the court. A copy of all orders of the court shall be sent to the involuntary patient and the patient’s attorney. The report of the court ordered mental evaluation shall be given to the district or county attorney, the involuntary patient and the patient’s attorney at least seven days prior to the hearing. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer’s notice. The involuntary patient shall remain in the state hospital or state security hospital where the patient is under commitment until the hearing on the proposed transfer, conditional release or discharge is to be held. At the hearing, the court shall receive all relevant evidence, including the written findings and recommendations of the chief medical officer of the state security hospital or the state hospital where the patient is under commitment, and shall determine whether the patient shall be transferred to a less restrictive hospital environment or whether the patient shall be conditionally released or discharged. The patient shall have the right to present evidence at such hearing and to cross-examine any witnesses called by the district or county attorney. At the conclusion of the hearing, if the court finds by clear and convincing evidence that the patient
will not be likely to cause harm to self or others if transferred to a less restrictive hospital environment, the court shall order the patient transferred. If the court finds by clear and convincing evidence that the patient is not currently a mentally ill person, the court shall order the patient discharged or conditionally released; otherwise, the court shall order the patient to remain in the state security hospital or state hospital where the patient is under commitment. If the court orders the conditional release of the patient in accordance with subsection (4), the court may order as an additional condition to the release that the patient continue to take prescribed medication and report as directed to a person licensed to practice medicine and surgery to determine whether or not the patient is taking the medication or that the patient continue to receive periodic psychiatric or psychological treatment. The court shall notify the secretary of corrections of the outcome of the hearing for the purpose of providing victim notification.

(4) In order to ensure the safety and welfare of a patient who is to be conditionally released and the citizenry of the state, the court may allow the patient to remain in custody at a facility under the supervision of the secretary of social and rehabilitation services for a period of time not to exceed 45 days in order to permit sufficient time for the secretary to prepare recommendations to the court for a suitable reentry program for the patient and allow adequate time for the secretary of corrections to provide victim notification. The reentry program shall be specifically designed to facilitate the return of the patient to the community as a functioning, self-supporting citizen, and may include appropriate supportive provisions for assistance in establishing residency, securing gainful employment, undergoing needed vocational rehabilitation, receiving marital and family counseling, and such other outpatient services that appear beneficial. If a patient who is to be conditionally released will be residing in a county other than the county where the district court that ordered the conditional release is located, the court shall transfer venue of the case to the district court of the other county and send a copy of all of the court’s records of the proceedings to the other court. In all cases of conditional release the court shall: (a) Order that the patient be placed under the temporary supervision of district court probation and parole services, community treatment facility or any appropriate private agency; and (b) require as a condition precedent to the release that the patient agree in writing to waive extradition in the event a warrant is issued pursuant to K.S.A. 22-3428b, and amendments thereto.

(5) At any time during the conditional release period, a conditionally released patient, through the patient’s attorney, or the county or district attorney of the county in which the district court having venue is located may file a motion for modification of the conditions of release, and the court shall hold an evidentiary hearing on the motion within 14 days of its filing. The court shall give notice of the time for the hearing to the patient and the county or district attorney. If the court finds from the evidence at the hearing that the conditional provisions of release should be modified or
vacated, it shall so order. If at any time during the transitional period the designated medical officer or supervisory personnel or the treatment facility informs the court that the patient is not satisfactorily complying with the provisions of the conditional release, the court, after a hearing for which notice has been given to the county or district attorney and the patient, may make orders: (a) For additional conditions of release designed to effect the ends of the reentry program, (b) requiring the county or district attorney to file a petition to determine whether the patient is a mentally ill person as provided in K.S.A. 59-2957, and amendments thereto, or (c) requiring that the patient be committed to the state security hospital or any state hospital. In cases where a petition is ordered to be filed, the court shall proceed to hear and determine the petition pursuant to the care and treatment act for mentally ill persons and that act shall apply to all subsequent proceedings. If a patient is committed to any state hospital pursuant to this act the secretary of social and rehabilitation services shall notify the secretary of corrections for the purpose of providing victim notification. The costs of all proceedings, the mental evaluation and the reentry program authorized by this section shall be paid by the county from which the person was committed.

(6) In any case in which the defense that the defendant lacked the required mental state pursuant to K.S.A. 22-3220, and amendments thereto, is relied on, the court shall instruct the jury on the substance of this section.

(7) As used in this section and K.S.A. 22-3428a, and amendments thereto:

(a) “Likely to cause harm to self or others” means that the person is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another’s property, or evidenced by behavior causing, attempting or threatening such injury, abuse or neglect.

(b) “Mentally ill person” means any person who:

(A) Is suffering from a severe mental disorder to the extent that such person is in need of treatment; and

(B) is likely to cause harm to self or others.

(c) “Treatment facility” means any mental health center or clinic, psychiatric unit of a medical care facility, psychologist, physician or other institution or individual authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

Sec. 18. K.S.A. 2010 Supp. 22-3428a is hereby amended to read as follows: 22-3428a. (1) Any person found not guilty, pursuant to K.S.A. 22-3220 and 22-3221, and amendments thereto, who remains in the state security hospital or a state hospital for over one year pursuant to a commitment under K.S.A. 22-3428, and amendments thereto, shall be entitled annually to request a hearing to determine whether or not the person continues to be a mentally ill person. The request shall be made in writing to
the district court of the county where the person is hospitalized and shall be signed by the committed person or the person’s counsel. When the request is filed, the court shall give notice of the request to: (a) The county or district attorney of the county in which the person was originally ordered committed, and (b) the chief medical officer of the state security hospital or state hospital where the person is committed. The chief medical officer receiving the notice, or the officer’s designee, shall conduct a mental examination of the person and shall send to the district court of the county where the person is hospitalized and to the county or district attorney of the county in which the person was originally ordered committed a report of the examination within 20 days from the date when notice from the court was received. Within 14 days after receiving the report of the examination, the county or district attorney receiving it may file a motion with the district court that gave the notice, requesting the court to change the venue of the hearing to the district court of the county in which the person was originally committed, or the court that gave the notice on its own motion may change the venue of the hearing to the district court of the county in which the person was originally committed. Upon receipt of that motion and the report of the mental examination or upon the court’s own motion, the court shall transfer the hearing to the district court specified in the motion and send a copy of the court’s records of the proceedings to that court.

(2) After the time in which a change of venue may be requested has elapsed, the court having venue shall set a date for the hearing, giving notice thereof to the county or district attorney of the county, the committed person, the person’s counsel and the secretary of corrections for the purpose of providing victim notification. If there is no counsel of record, the court shall appoint a counsel for the committed person. The committed person shall have the right to procure, at the person’s own expense, a mental examination by a physician or licensed psychologist of the person’s own choosing. If a committed person is financially unable to procure such an examination, the aid to indigent defendants provisions of article 45 of chapter 22 of the Kansas Statutes Annotated shall be applicable to that person. A committed person requesting a mental examination pursuant to K.S.A. 22-4508, and amendments thereto, may request a physician or licensed psychologist of the person’s own choosing and the court shall request the physician or licensed psychologist to provide an estimate of the cost of the examination. If the physician or licensed psychologist agrees to accept compensation in an amount in accordance with the compensation standards set by the board of supervisors of panels to aid indigent defendants, the judge shall appoint the requested physician or licensed psychologist; otherwise, the court shall designate a physician or licensed psychologist to conduct the examination. Copies of each mental examination of the committed person shall be filed with the court at least seven days prior to the hearing.
(3) At the hearing the committed person shall have the right to present evidence and cross-examine the witnesses. The court shall receive all relevant evidence, including the written findings and recommendations of the chief medical officer of the state security hospital or state hospital where the person is under commitment, and shall determine whether the committed person continues to be a mentally ill person. At the hearing the court may make any order that a court is empowered to make pursuant to subsections (3), (4) and (5) of K.S.A. 22-3428, and amendments thereto. If the court finds by clear and convincing evidence the committed person is not a mentally ill person, the court shall order the person discharged; otherwise, the person shall remain committed or be conditionally released. The court shall notify the secretary of corrections of the outcome of the hearing for the purpose of providing victim notification.

(4) Costs of a hearing held pursuant to this section shall be assessed against and paid by the county in which the person was originally ordered committed.

Sec. 19. K.S.A. 2010 Supp. 22-3437 is hereby amended to read as follows:

22-3437.

(a) (1) In any hearing or trial, a report concerning forensic examinations and certificate of forensic examination executed pursuant to this section shall be admissible in evidence if the report and certificate are prepared and attested by a criminalist or other employee of the Kansas bureau of investigation, Kansas highway patrol or any laboratory of the federal bureau of investigation, federal postal inspection service, federal bureau of alcohol, tobacco and firearms or federal drug enforcement administration. If the examination involves a breath test for alcohol content, the report must also be admissible pursuant to K.S.A. 8-1001, and amendments thereto, and be conducted by a law enforcement officer or other person who is certified by the department of health and environment as a breath test operator as provided by K.S.A. 65-1,107 et seq., and amendments thereto.

(2) Upon the request of any law enforcement agency, such person as provided in paragraph (1) performing the analysis shall prepare a certificate. Such person shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be supported by a written declaration pursuant to K.S.A. 53-601, and amendments thereto, or shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: The type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the
conclusions; the subscriber’s training or experience to perform the analysis; the nature and condition of the equipment used; and the certification and foundation requirements for admissibility of breath test results, when appropriate. When properly executed, the certificate shall, subject to the provisions of paragraph (3) and notwithstanding any other provision of law, be admissible evidence of the results of the forensic examination of the samples or evidence submitted for analysis and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that such person is that person who performed the analysis.

(3) Whenever a party intends to proffer in a criminal or civil proceeding, a certificate executed pursuant to this section, notice of an intent to proffer that certificate and the reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties at least 20 days before the beginning of a hearing where the proffer will be used. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the grounds for the objection within 14 days upon receiving the adversary’s notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than two days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and grounds for that objection that the conclusions of the certificate, including the composition, quality or quantity of the substance submitted to the laboratory for analysis or the alcohol content of a blood or breath sample will be contested at trial. A failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the admission of the certificate. The time limitations set forth in this section may be extended upon a showing of good cause.

(b) (1) In any hearing or trial where there is a report concerning forensic examinations from a person as provided in paragraph (1) of subsection (a), district and municipal courts may, upon request of either party, use two-way interactive video technology, including internet-based videoconferencing, to take testimony from that person if the testimony is in relation to the report.

(2) The use of any two-way interactive video technology must be in accordance with any requirements and guidelines established by the office of judicial administration, and all proceedings at which such technology is used in a district court must be recorded verbatim by the court.

Sec. 20. K.S.A. 2010 Supp. 38-2258 is hereby amended to read as follows: 38-2258. (a) Except as provided in K.S.A. 2010 Supp. 38-2255(d)(2) and 38-2259, and amendments thereto, if a child has been in the same foster home or shelter facility for six months or longer, or has been placed by the secretary in the home of a parent or relative, the secretary shall give written notice of any plan to move the child to a different place-
ment unless the move is to the selected preadoptive family for the purpose of facilitating adoption. The notice shall be given to: (1) The court having jurisdiction over the child; (2) the petitioner; (3) the attorney for the parents, if any; (4) each parent whose address is available; (5) the foster parent or custodian from whose home or shelter facility it is proposed to remove the child; (6) the child, if 12 or more years of age; (7) the child’s guardian ad litem; (8) any other party or interested party; and (9) the child’s court appointed special advocate.

(b) The notice shall state the placement to which the secretary plans to transfer the child and the reason for the proposed action. The notice shall be mailed by first class mail 30 days in advance of the planned transfer, except that the secretary shall not be required to wait 30 days to transfer the child if all persons enumerated in subsection (a)(2) through (8) consent in writing to the transfer.

(c) Within 14 days after receipt of the notice, any person enumerated in subsection (a)(2) through (8) receiving notice as provided above may request, either orally or in writing, that the court conduct a hearing to determine whether or not the change in placement is in the best interests of the child concerned. When the request has been received, the court shall schedule a hearing and immediately notify the secretary of the request and the time and date the matter will be heard. The court shall give notice of the hearing to persons enumerated in subsection (a)(2) through (9). If the court does not receive a request for hearing within the specified time, the change in placement may occur prior to the expiration of the 30 days. The secretary shall not change the placement of the child, except for the purpose of adoption, unless the change is approved by the court.

(d) When, after the notice set out above, a child in the custody of the secretary is removed from the home of a parent after having been placed in the home of a parent for a period of six months or longer, the secretary shall request a finding that: (1)(A) The child is likely to sustain harm if not immediately removed from the home;

(B) allowing the child to remain in home is contrary to the welfare of the child; or

(C) immediate placement of the child is in the best interest of the child; and

(2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child’s home or that an emergency exists which threatens the safety to the child.

(e) The secretary shall present to the court in writing the efforts to maintain the family unit and prevent the unnecessary removal of the child from the child’s home. In making the findings, the court may rely on documentation submitted by the secretary or may set the date for a hearing on the matter. If the secretary requests such finding, the court, not more than 45 days from the date of the request, shall provide the secretary with a
written copy of the findings by the court for the purpose of documenting these orders.

Sec. 21. K.S.A. 2010 Supp. 38-2373 is hereby amended to read as follows: 38-2373. (a) Actions by the court. (1) When a juvenile offender has been committed to a juvenile correctional facility, the clerk of the court shall forthwith notify the commissioner of the commitment and provide the commissioner with a certified copy of the complaint, the journal entry of the adjudication and sentencing. The court shall provide those items from the social file which could relate to a rehabilitative program. If the court wishes to recommend placement of the juvenile offender in a specific juvenile correctional facility, the recommendation shall be included in the sentence. After the court has received notice of the juvenile correctional facility designated as provided in subsection (b), it shall be the duty of the court or the sheriff of the county to deliver the juvenile offender to the facility at the time designated by the commissioner.

(2) When a juvenile offender is residing in a juvenile correctional facility and is required to go back to court for any reason, the county demanding the juvenile’s presence shall be responsible for transportation, detention, custody and control of such offender. In these cases, the county sheriff shall be responsible for all transportation, detention, custody and control of such offender.

(b) Actions by the commissioner. (1) Within three days, excluding Saturdays, Sundays and legal holidays, after receiving notice of commitment as provided in subsection (a), the commissioner shall notify the committing court of the facility to which the juvenile offender should be conveyed, and when to effect the immediate transfer of custody and control to the juvenile justice authority. The date of admission shall be no more than five days, excluding Saturdays, Sundays and legal holidays, after the notice to the committing court. Until received at the designated facility, the continuing detention, custody, and control of and transport for a juvenile offender sentenced to a direct commitment to a juvenile correctional facility shall be the responsibility of the committing county.

(2) Except as provided by K.S.A. 2010 Supp. 38-2332, and amendments thereto, the commissioner may make any temporary out-of-home placement the commissioner deems appropriate pending placement of the juvenile offender in a juvenile correctional facility, and the commissioner shall notify the court, local law enforcement agency and school district in which the juvenile will be residing if the juvenile is still required to attend a secondary school of that placement.

(c) Transfers. During the time a juvenile offender remains committed to a juvenile correctional facility, the commissioner may transfer the juvenile offender from one juvenile correctional facility to another.

Sec. 22. K.S.A. 2010 Supp. 40-2,118, as amended by section 6 of 2011 House Bill No. 2030, is hereby amended to read as follows: 40-2,118. (a)
For purposes of this act a “fraudulent insurance act” means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include: fraud investigators, who may be insurer employees or independent contractors; or an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in paragraph (2) of this subsection unless the legislature reviews and reenacts the provisions of paragraph (2) pursuant to K.S.A. 45-229, and amendments thereto.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.

(e) Except as otherwise specifically provided in K.S.A. 21-3718 subsection (a) of section 98 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is $25,000 or more; a severity level 7, nonperson felony if the amount is at least $5,000 but less than $25,000; a severity level 8, nonperson felony if the amount is at least $1,000 but less than $5,000; and a class C nonperson misdemeanor if the amount is less than $1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves $25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.

Sec. 23. K.S.A. 58-2011, as amended by section 23 of 2011 Senate Bill No. 112, is hereby amended to read as follows: 58-2011. (a) Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a reference report for each corner or accessory with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. If there is no county surveyor of such county, such reference report shall be filed with the county engineer. If there is no county engineer, such report shall be filed in the office of the county road department. Reports filed with the secretary of the state historical society may be filed and retrieved using electronic technologies if authorized by the secretary. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society. Fees charged for filing and retrieval of such reports may be billed and paid periodically.

(b) Any person engaged in an activity in which a United States public land survey corner or any related accessory is likely to be altered, removed, damaged or destroyed, shall have a person qualified to practice land surveying establish such reference points as necessary for the restoration, reestablishment or replacement of the corner or accessory. The land surveyor shall file a reference report with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an
amount fixed by rules and regulations of the secretary of the state historical society.

(c) Upon completion of the activity likely to alter, remove, damage or destroy the public land survey corner or related accessory, the land surveyor shall review the survey corner and its accessories. If the survey corner or any accessory has been altered, removed, damaged or destroyed, the land surveyor shall replace the corner or accessory with a survey monument and file a restoration report with the secretary of the state historical society and the county surveyor in the county or counties in which it existed. If the survey corner and accessories are not damaged during the activity, a restoration report so stating shall be filed with the secretary of the state historical society and county surveyor’s office. Such report shall be filed within 30 days after the activity is completed. At the time of filing such report with the office of the secretary of the state historical society the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(d) Failure to comply with the filing requirements of this section shall be grounds for the suspension or revocation of the land surveyor’s license.

(e) The secretary of the state historical society may produce, reproduce and sell maps, plats, reports, studies and records relating to land surveys. The secretary of the state historical society shall charge a fee in an amount to be fixed by rules and regulations of the secretary for the furnishing of information retrieved from records filed pursuant to this section and for reproductions or copies of maps, plats, reports, studies and records filed in such office.

(f) All moneys collected by the secretary of the state historical society under the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the land survey fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants approved by the secretary of the state historical society or a person designated by the secretary of the state historical society and shall be used only for the purpose of paying the costs incurred in administering the provisions of this act. After the effective date of this act, any reference to the secretary of state in regard to appropriations to the land survey fee fund shall be deemed to refer to the secretary of the state historical society.

(g) The failure of any person to have a land surveyor establish reference points as required by subsection (b) shall be a class C misdemeanor.

Sec. 24. K.S.A. 2010 Supp. 60-740 is hereby amended to read as follows: 60-740. This section must apply if the garnishment is to attach earn-
ings of the judgment debtor. If no reply is made to the answer of garnishee within 14 days following the date the garnishee has completed the answer, the garnishee must promptly thereafter pay the earnings withheld as indicated on the answer to all judgment creditors designated on the answer in the amount due each as indicated on the answer, and thereafter continue to pay the earnings withheld as they are withheld, unless the garnishee receives prior to such payment an order of the court to the contrary. If any judgment creditor receives more than they are entitled to, that judgment creditor must promptly return the excess amount to the garnishee for distribution pro-rata to the other judgment creditors designated on the answer, or if no such other judgment creditors are designated, the garnishee must promptly pay the excess amount to the judgment debtor.

Sec. 25. K.S.A. 60-1620, as amended by section 44 of 2011 Senate Bill No. 24, is hereby amended to read as follows: 60-1620. (a) Except as provided in subsection (d), a parent entitled to legal custody or residency of or parenting time with a child pursuant to sections 7, 9, 10, 13 through 24, 26 and 30 through 35 of 2011 Senate Bill No. 24, and amendments thereto, shall give written notice to the other parent not less than 30 days prior to: (1) Changing the residence of the child; or (2) removing the child from this state for a period of time exceeding 90 days. Such notice shall be sent by restricted mail, return receipt requested, to the last known address of the other parent.

(b) Failure to give notice as required by subsection (a) is an indirect civil contempt punishable as provided by law. In addition, the court may assess, against the parent required to give notice, reasonable attorney fees and any other expenses incurred by the other parent by reason of the failure to give notice.

(c) A change of the residence or the removal of a child as described in subsection (a) may be considered a material change of circumstances which justifies modification of a prior order of legal custody, residency, child support or parenting time. In determining any motion seeking a modification of a prior order based on change of residence or removal as described in (a), the court shall consider all factors the court deems appropriate including, but not limited to: (1) The effect of the move on the best interests of the child; (2) the effect of the move on any party having rights granted pursuant to sections 7, 9, 10, 13 through 24, 26 and 30 through 35 of 2011 Senate Bill No. 24, and amendments thereto; and (3) the increased cost the move will impose on any party seeking to exercise rights granted under sections 7, 9, 10, 13 through 24, 26 and 30 through 35 of 2011 Senate Bill No. 24, and amendments thereto.

(d) A parent entitled to the legal custody or residency of a child pursuant to sections 7, 9, 10, 13 through 24, 26 and 30 through 35 of 2011 Senate Bill No. 24, and amendments thereto, shall not be required to give the notice required by this section to the other parent when the other parent
has been convicted of any crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 36 through 86, 174, 210, 211 or 229 through 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, in which the child is the victim of such crime.

Sec. 26. K.S.A. 2010 Supp. 60-3107, as amended by section 46 of 2011 Senate Bill No. 24, is hereby amended to read as follows: 60-3107. (a) The court may approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:

1) Restraining the defendant from abusing, molesting or interfering with the privacy or rights of the plaintiff or of any minor children of the parties. Such order shall contain a statement that if such order is violated, such violation may constitute assault as provided defined in subsection (a) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, battery as provided defined in subsection (a) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, domestic battery as provided defined in section 49 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and violation of a protective order as provided defined in section 149 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

2) Granting possession of the residence or household to the plaintiff to the exclusion of the defendant, and further restraining the defendant from entering or remaining upon or in such residence or household, subject to the limitation of subsection (d). Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as provided defined in subsection (a)(1)(C) of section 94 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and violation of a protective order as provided defined in section 149 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the defendant from cancelling utility service to the residence or household.

3) Requiring defendant to provide suitable, alternate housing for the plaintiff and any minor children of the parties.

4) Awarding temporary custody and residency and establishing temporary parenting time with regard to minor children.

5) Ordering a law enforcement officer to evict the defendant from the residence or household.

6) Ordering support payments by a party for the support of a party’s minor child, if the party is the father or mother of the child, or the plaintiff, if the plaintiff is married to the defendant. Such support orders shall remain in effect until modified or dismissed by the court or until expiration and shall be for a fixed period of time not to exceed one year. On the motion of the plaintiff, the court may extend the effect of such order for 12 months.
(7) Awarding costs and attorney fees to either party.

(8) Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.

(9) Requiring any person against whom an order is issued to seek counseling to aid in the cessation of abuse.

(10) Ordering or restraining any other acts deemed necessary to promote the safety of the plaintiff or of any minor children of the parties.

(b) No protection from abuse order shall be entered against the plaintiff unless:

(1) The defendant properly files a written cross or counter petition seeking such a protection order;

(2) the plaintiff had reasonable notice of the written cross or counter petition by personal service as provided in subsection (d) of K.S.A. 60-3104, and amendments thereto; and

(3) the issuing court made specific findings of abuse against both the plaintiff and the defendant and determined that both parties acted primarily as aggressors and neither party acted primarily in self-defense.

(c) Any order entered under the protection from abuse act shall not be subject to modification on ex parte application or on motion for temporary orders in any action filed pursuant to K.S.A. 60-1601 et seq., or K.S.A. 38-1101 et seq., and amendments thereto. Orders previously issued in an action filed pursuant to K.S.A. 60-1601 et seq., or K.S.A. 38-1101 et seq., and amendments thereto, shall be subject to modification under the protection from abuse act only as to those matters subject to modification by the terms of sections 7, 9, 10, 13 through 24, 26 and 30 through 35 of 2011 Senate Bill No. 24, and amendments thereto, that are inconsistent with orders entered under the protection from abuse act and that are inconsistent with orders entered under the protection from abuse act is in effect, the court, on final hearing or on agreement of the parties, may issue final orders authorized by sections 7, 9, 10, 13 through 24, 26 and 30 through 35 of 2011 Senate Bill No. 24, or K.S.A. 38-1101 et seq., and amendments thereto, that are inconsistent with orders entered under the protection from abuse act. Any inconsistent order entered pursuant to this subsection shall be specific in its terms, reference the protection from abuse order and parts thereof being modified and a copy thereof shall be filed in both actions. The court shall consider whether the actions should be consolidated in accordance with K.S.A. 60-242, and amendments thereto. Any custody or parenting time order, or order relating to the best interests of a child, issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code, shall be binding and shall take precedence over any such custody or parenting
order involving the same child issued under the protection from abuse act, until jurisdiction under the revised Kansas code for care of children or the revised Kansas juvenile justice code is terminated. Any inconsistent custody or parenting order issued in the revised Kansas code for care of children case or the revised Kansas juvenile justice code case shall be specific in its terms, reference any preexisting protection from abuse order and the custody being modified, and a copy of such order shall be filed in the preexisting protection from abuse case.

(d) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence or household under subsection (a)(2) to the exclusion of the party who owns it.

(e) Subject to the provisions of subsections (b), (c) and (d), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except that, on motion of the plaintiff, such period may be extended for one additional year.

(f) The court may amend its order or agreement at any time upon motion filed by either party.

(g) No order or agreement under the protection from abuse act shall in any manner affect title to any real property.

(h) If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as provided defined in subsection (a)(1)(C) of section 94 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and violation of a protective order as provided defined in section 149 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to subsection (a)(1), such violation may constitute assault as provided defined in subsection (a) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, battery as provided defined in subsection (a) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, domestic battery as provided defined in section 49 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and violation of a protective order as provided defined in section 149 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

Sec. 27. K.S.A. 65-445, as amended by section 2 of 2011 House Bill No. 2035, is hereby amended to read as follows: 65-445. (a) Every medical care facility shall keep written records of all pregnancies which are lawfully terminated within such medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary. Every person licensed to
practice medicine and surgery shall keep a record of all pregnancies which are lawfully terminated by such person in a location other than a medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary.

(b) Each report required by this section shall include the number of pregnancies terminated during the period of time covered by the report, the type of medical facility in which the pregnancy was terminated, information required to be reported under subsections (b) and (c) of K.S.A. 65-6703, subsection (j) of K.S.A. 65-6705 and subsection (c) of K.S.A. 65-6721 and section 3 of 2011 House Bill No. 2218, and amendments thereto, if applicable to the pregnancy terminated, and such other information as may be required by the secretary of health and environment, but the report shall not include the names of the persons whose pregnancies were so terminated. Each report required by subsections (b) and (c) of K.S.A. 65-6703, subsection (j) of K.S.A. 65-6705 and subsection (c) of K.S.A. 65-6721, and amendments thereto, shall specify the medical diagnosis and condition constituting a substantial and irreversible impairment of a major bodily function or the medical diagnosis and condition which necessitated performance of an abortion to preserve the life of the pregnant woman. Each report required by K.S.A. 65-6703, and amendments thereto, shall include a sworn statement by the physician performing the abortion and the referring physician that such physicians are not legally or financially affiliated.

(c) Information obtained by the secretary of health and environment under this section shall be confidential and shall not be disclosed in a manner that would reveal the identity of any person licensed to practice medicine and surgery who submits a report to the secretary under this section or the identity of any medical care facility which submits a report to the secretary under this section, except that such information, including information identifying such persons and facilities may be disclosed to the state board of healing arts upon request of the board for disciplinary action conducted by the board and may be disclosed to the attorney general or any district or county attorney in this state upon a showing that a reasonable cause exists to believe that a violation of this act has occurred. Any information disclosed to the state board of healing arts, the attorney general or any district or county attorney pursuant to this section shall be used solely for the purposes of a disciplinary action or criminal proceeding. Except as otherwise provided in this subsection, information obtained by the secretary under this section may be used only for statistical purposes and such information shall not be released in a manner which would identify any county or other area of this state in which the termination of the pregnancy occurred. A violation of this subsection (c) is a class A nonperson misdemeanor.

(d) In addition to such criminal penalty under subsection (c), any person licensed to practice medicine and surgery or medical care facility whose
identity is revealed in violation of this section may bring a civil action against the responsible person or persons for any damages to the person licensed to practice medicine and surgery or medical care facility caused by such violation.

(e) For the purpose of maintaining confidentiality as provided by subsections (c) and (d), reports of terminations of pregnancies required by this section shall identify the person or facility submitting such reports only by confidential code number assigned by the secretary of health and environment to such person or facility and the department of health and environment shall maintain such reports only by such number.

(f) The annual public report on abortions performed in Kansas issued by the secretary of health and environment shall contain the information required to be reported by this section to the extent such information is not deemed confidential pursuant to this section. The secretary of health and environment shall adopt rules and regulations to implement this section. Such rules and regulations shall prescribe, in detail, the information required to be kept by the physicians and hospitals and the information required in the reports which must be submitted to the secretary.

(g) The department of social and rehabilitation services shall prepare and publish an annual report on the number of reports of child sexual abuse received by the department from abortion providers. Such report shall be categorized by the age of the victim and the month the report was submitted to the department. The name of the victim and any other identifying information shall be kept confidential by the department and shall not be released as part of the public report.

Sec. 28. K.S.A. 2010 Supp. 65-530 is hereby amended to read as follows:

(a) As used in this section:

(1) ‘‘Day care home’’ means a day care home as defined under Kansas administrative regulation 28-4-113, and a group day care home as defined under Kansas administrative regulation 28-4-113 and a family day care home as defined under K.S.A. 65-517 and amendments thereto.

(2) ‘‘Smoking’’ means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

(b) Smoking within any room, enclosed area or other enclosed space of a facility or facilities of a day care home during a time when children who are not related by blood, marriage or legal adoption to the person who maintains the home are being cared for, as part of the operation of the day care home, within the facility or facilities is hereby prohibited. Nothing in this subsection shall be construed to prohibit smoking on the premises of the day care home outside the facility or facilities of a day care home, including but not limited to porches, yards or garages.

(c) Each day care home registration certificate or child care license shall contain a statement in bold print that smoking is prohibited within a room, enclosed area or other enclosed space of the facility or facilities of
the day care home under the conditions specified in subsection (b). The statement shall be phrased in substantially the same language as subsection (b). The registration certificate or license shall be posted in a conspicuous place in the facility or facilities.

(d) Each day care home shall be equipped with a fire extinguisher which shall be maintained in an operable condition in a readily accessible location.

(e) The secretary of health and environment may levy a civil fine under K.S.A. 65-526, and amendments thereto, against any day care home for a first or second violation of this section. A third or subsequent violation shall be subject to the provisions of K.S.A. 65-523, and amendments thereto.

(f) In addition to any civil fine which may be levied pursuant to subsection (d), any day care home that violates any provision of this section may also be subject to criminal punishment pursuant to K.S.A. 21-4012, and amendments thereto.

Sec. 29. K.S.A. 65-6703, as amended by section 4 of House Bill No. 2035, is hereby amended to read as follows:

65-6703. (a) No person shall perform or induce an abortion when the unborn child is viable unless such person is a physician and has a documented referral from another physician not legally or financially affiliated with the physician performing or inducing the abortion and both physicians provide a written determination, based upon a medical judgment arrived at using and exercising that degree of care, skill and proficiency commonly exercised by the ordinary skillful, careful and prudent physician in the same or similar circumstances and that would be made by a reasonably prudent physician, knowledgeable in the field, and knowledgeable about the case and the treatment possibilities with respect to the conditions involved, that:

1. The abortion is necessary to preserve the life of the pregnant woman; or
2. A continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(b) Except in the case of a medical emergency, a copy of the written documented referral and of the abortion-performing physician’s written determination shall be provided to the pregnant woman no less than 30 minutes prior to the initiation of the abortion. The written determination shall be time-stamped at the time it is delivered to the pregnant woman. The medical basis for the determination shall also be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto. Such determination shall specify:

1. If the unborn child was determined to be nonviable and the medical basis of such determination;
2. If the abortion is necessary to preserve the life of the pregnant woman and the medical basis of such determination, including the specific
medical condition the physician believes would cause the death of the pregnant woman; or

(3) if a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman and the medical basis of such determination, including the specific medical condition the physician believes would constitute a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(c) (1) Except in the case of a medical emergency, prior to performing an abortion upon a woman, the physician shall determine the gestational age of the unborn child according to accepted obstetrical and neonatal practice and standards applied by physicians in the same or similar circumstances. If the physician determines the gestational age is less than 22 weeks, the physician shall document as part of the medical records of the woman the basis for the determination. The medical basis for the determination of the gestational age of the unborn child shall also be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.

(2) If the physician determines the gestational age of the unborn child is 22 or more weeks, prior to performing an abortion upon the woman the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill and proficiency commonly exercised by the ordinary skillful, careful and prudent physician in the same or similar circumstances. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age of the unborn child and shall enter such findings and determinations of viability in the medical record of the woman.

(3) If the physician determines the gestational age of an unborn child is 22 or more weeks, and determines that the unborn child is not viable and performs an abortion on the woman, the physician shall report such determinations, the medical basis and the reasons for such determinations in writing to the medical care facility in which the abortion is performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445, and amendments thereto, or if the abortion is not performed in a medical care facility, the physician shall report such determinations, the medical basis and the reasons for such determinations in writing to the secretary of health and environment as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.

(4) If the physician who is to perform the abortion determines the gestational age of an unborn child is 22 or more weeks, and determines that the unborn child is viable, both physicians under subsection (a) determine in accordance with the provisions of subsection (a) that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of
the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman and the physician performs an abortion on the woman, the physician who performs the abortion shall report such determinations, the medical basis and the reasons for such determinations, including the specific medical diagnosis for the determination that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman and the name of the referring physician required by subsection (a) in writing to the medical care facility in which the abortion is performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445, and amendments thereto, or if the abortion is not performed in a medical care facility, the physician who performs the abortion shall report such determinations, the medical basis and the reasons for such determinations, including the specific medical diagnosis for the determination that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman and the name of the referring physician required by subsection (a) in writing to the secretary of health and environment as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.

(5) The physician shall retain the medical records required to be kept under paragraphs (1) and (2) of this subsection (c) for not less than 10 years and shall retain a copy of the written reports required under paragraphs (3) and (4) of this subsection (c) for not less than 10 years.

d) The secretary of health and environment shall adopt rules and regulations to administer this section. Such rules and regulations shall include:

1. A detailed list of the information that must be kept by a physician under paragraphs (1) and (2) of subsection (c);
2. the contents of the written reports required under paragraphs (3) and (4) of subsection (c); and
3. detailed specifications regarding information that must be provided by a physician in order to comply with the obligation to disclose the medical basis and specific medical diagnosis relied upon in determining that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman.

e) A woman upon whom an abortion is performed shall not be prosecuted under this section for a conspiracy to violate this section pursuant to K.S.A. 21-3302 section 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

f) Nothing in this section shall be construed to create a right to an abortion. Notwithstanding any provision of this section, a person shall not perform an abortion that is prohibited by law.
(g) (1) A woman upon whom an abortion is performed in violation of this section, the father, if married to the woman at the time of the abortion, and the parents or custodial guardian of the woman, if the woman has not attained the age of 18 years at the time of the abortion, may in a civil action obtain appropriate relief, unless, in a case where the plaintiff is not the woman upon whom the abortion was performed, the pregnancy resulted from the plaintiff’s criminal conduct.

(2) Such relief shall include:
   
   (A) Money damages for all injuries, psychological and physical, occasioned by the violation of this section;
   (B) statutory damages equal to three times the cost of the abortion; and
   (C) reasonable attorney fees.

(h) The prosecution of violations of this section may be brought by the attorney general or by the district attorney or county attorney for the county where any violation of this section is alleged to have occurred.

(i) Nothing in this section shall be construed to restrict the authority of the board of healing arts to engage in a disciplinary action.

(j) If any provision of this section is held to be invalid or unconstitutional, it shall be conclusively presumed that the legislature would have enacted the remainder of this section without such invalid or unconstitutional provision.

(k) Upon a first conviction of a violation of this section, a person shall be guilty of a class A nonperson misdemeanor. Upon a second or subsequent conviction of a violation of this section, a person shall be guilty of a severity level 10, nonperson felony.

Sec. 30. K.S.A. 65-6721, as amended by section 8 of 2011 House Bill No. 2035, is hereby amended to read as follows: 65-6721. (a) No person shall perform or induce a partial birth abortion on an unborn child unless such person is a physician and has a documented referral from another physician who is licensed to practice in this state, and who is not legally or financially affiliated with the physician performing or inducing the abortion and both physicians provide a written determination, based upon a medical judgment that would be made by a reasonably prudent physician, knowledgeable in the field and knowledgeable about the case and the treatment possibilities with respect to the conditions involved, that the partial birth abortion is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(b) As used in this section, “partial birth abortion” means an abortion procedure in which the person performing the abortion deliberately and intentionally vaginally delivers a living unborn child until, in the case of a head-first presentation, the entire head of the unborn child is outside the body of the mother, or, in the case of a breech presentation, any part of the
trunk of the unborn child past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living unborn child, and performs the overt act, other than completion of delivery, that kills the partially delivered living unborn child.

(c) (1) If a physician determines in accordance with the provisions of subsection (a) that a partial birth abortion is necessary and performs a partial birth abortion on the woman, the physician shall report such determination, the medical basis, including the specific medical diagnosis and the reasons for such determination in writing to the medical care facility in which the abortion is performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445, and amendments thereto, or if the abortion is not performed in a medical care facility, the physician shall report such determination, the medical basis, including the specific medical diagnosis, and the reasons for such determination in writing to the secretary of health and environment as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto. The physician shall retain a copy of the written reports required under this subsection for not less than 10 years.

(2) The secretary of health and environment shall adopt rules and regulations to administer this section. Such rules and regulations shall include:

(A) A detailed list of the contents of the written reports required under paragraph (1) of this subsection; and

(B) detailed information that must be provided by a physician to insure that the specific medical basis and clinical diagnosis regarding the woman is reported.

(d) (1) The father, if married to the woman at the time of the abortion, and, if the woman has not attained the age of 18 years at the time of the abortion, the parents or custodial guardian of the woman, may in a civil action obtain appropriate relief, unless, in a case where the plaintiff is not the woman upon whom the abortion was performed, the pregnancy resulted from the plaintiff’s criminal conduct or the plaintiff consented to the abortion.

(2) Such relief shall include:

(A) Money damages for all injuries, psychological and physical, occasioned by the violation of this section;

(B) statutory damages equal to three times the cost of the abortion; and

(C) reasonable attorney fees.

(e) A woman upon whom an abortion is performed shall not be prosecuted under this section for a conspiracy to violate this section pursuant to K.S.A. 21-3302 section 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(f) Nothing in this section shall be construed to create a right to an
abortion. Notwithstanding any provision of this section, a person shall not perform an abortion that is prohibited by law.

(g) Upon conviction of a violation of this section, a person shall be guilty of a severity level 8 person felony.

Sec. 31. K.S.A. 2010 Supp. 66-2304 is hereby amended to read as follows: 66-2304. (a) An armed nuclear security guard is justified in using physical force against another person at a nuclear generating facility or structure or fenced yard of a nuclear generating facility if the armed nuclear security guard reasonably believes that such force is necessary to prevent or terminate the commission or attempted commission of criminal damage to property under K.S.A. 21-3720(a)(1) as defined in subsection (a)(1) of section 99 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, criminal use of weapons under K.S.A. 21-4201 as defined in subsections (a)(1) through (a)(6) of section 186 or subsection (a)(1) through (a)(5) of section 187 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or criminal trespass on a nuclear generating facility under K.S.A. 2010 Supp. 66-2303, and amendments thereto.

(b) Notwithstanding the provisions of K.S.A. 21-3211, 21-3212, 21-3213, 21-3215 and 21-3216 sections 21, 22, 23, 25 and 26 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, an armed nuclear security guard is justified in using physical force up to and including deadly physical force against another person at a nuclear generating facility or structure or fenced yard of a nuclear generating facility if the armed nuclear security guard reasonably believes that such force is necessary to:

1) Prevent the commission of manslaughter under K.S.A. 21-3403 or 21-3404 as defined in section 39 or 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the first degree under K.S.A. 21-3401 as defined in section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the second degree under K.S.A. 21-3402 as defined in section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated assault under K.S.A. 21-3410 as defined in subsection (b) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, kidnapping under K.S.A. 21-3420 as defined in subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated kidnapping under K.S.A. 21-3421 as defined in subsection (b) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated burglary under K.S.A. 21-3716 as defined in subsection (b) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, arson under K.S.A. 21-3718 as defined in subsection (a) of section 98 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated arson under K.S.A. 21-3719 as defined in subsection (b) of section 98 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated robbery under K.S.A.
as defined in subsection (b) of section 55 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(2) defend oneself or a third person from the use or imminent use of deadly physical force.

(c) Notwithstanding any other provision of this act, an armed nuclear security guard is justified in threatening to use physical or deadly physical force if and to the extent a reasonable armed nuclear security guard believes it necessary to protect oneself or others against another person’s potential use of physical force or deadly physical force.

(d) No armed nuclear security guard, employer of an armed nuclear security guard or owner of a nuclear generating facility shall be subject to civil liability for conduct of an armed nuclear security guard which is justified pursuant to this act.

Sec. 32. K.S.A. 2010 Supp. 75-52,127 is hereby amended to read as follows: 75-52,127. On or after the effective date of this act, the secretary of corrections may establish conservation camps to provide inmates with a highly structured residential work program. Such conservation camps shall be a state correctional institution or facility for confinement under the supervision of the secretary. A conservation camp may accept defendants assigned to such camp as provided in K.S.A. 21-4603 or K.S.A. 21-4603d, prior to its repeal, or section 244 or 271 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. Defendants assigned pursuant to K.S.A. 21-4603 or K.S.A. 21-4603d, prior to its repeal, or section 244 or 271 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to a conservation camp may be transferred by the secretary to any other correctional institution or facility. Any inmate sentenced to the custody of the secretary may be confined in a conservation camp, however, only those inmates assigned to the conservation camp pursuant to subsection (a)(5) or (e) of K.S.A. 21-4603d, prior to its repeal, or subsection (a)(5) of section 244 of chapter 136 of the 2010 Session Laws of Kansas, or subsection (b)(6) of K.S.A. 21-4603, prior to its repeal, or subsection (b)(6) of section 271 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be eligible for release upon successful completion of the conservation camp program.

Sec. 33. Section 52 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 52. (a) Mistreatment of a dependent adult is knowingly committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or cruel and unusual punishment upon a dependent adult;

(2) taking unfair advantage of a dependent adult’s physical or financial resources for another individual’s personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person, or

(3) omission or depriving omission or deprivation of treatment, goods
or services by a caretaker or another person which are necessary to maintain physical or mental health of a dependent adult.

(b) Mistreatment of a dependent adult as defined in:
(1) Subsection (a)(1) is a severity level 6, person felony;
(2) subsection (a)(2) is a severity level 6, person felony if the aggregate amount of the value of the resources is $100,000 or more;
(3) subsection (a)(2) is a severity level 7, person felony if the aggregate amount of the value of the resources is at least $25,000 but less than $100,000;
(4) subsection (a)(2) is a severity level 9, person felony if the aggregate amount of the value of the resources is at least $1,000 but less than $25,000;
(5) subsection (a)(2) is a:
   (A) Class A person misdemeanor if the aggregate amount of the value of the resources is less than $1,000, except as provided in subsection (b)(5)(B); and
   (B) severity level 9, person felony, if:
      (A) $1,000,000 or more is a severity level 2, person felony;
      (B) at least $250,000 but less than $1,000,000 is a severity level 3, person felony;
      (C) at least $100,000 but less than $250,000 is a severity level 4, person felony;
      (D) at least $25,000 but less than $100,000 is a severity level 5, person felony;
      (E) at least $1,000 but less than $25,000 is a severity level 7, person felony;
      (F) less than $1,000 is a class A person misdemeanor, except as provided in subsection (b)(2)(G); and
      (G) less than $1,000 and committed by a person who has, within five years immediately preceding commission of the crime, the offender has been convicted of mistreatment of a dependent adult two or more times is a severity level 7, person felony; and
(6) subsection (a)(3) is a severity level 8, person felony.

(c) No dependent adult is considered to be mistreated for the sole reason that such dependent adult relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult is a member or adherent.

(d) As used in this section, “dependent adult” means an individual 18 years of age or older who is unable to protect the individual’s own interest. Such term shall include, but is not limited to, any:
(1) Resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923, and amendments thereto;
(2) adult cared for in a private residence;
(3) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a medical care facility;

(4) individual with mental retardation or a developmental disability receiving services through a community mental retardation facility or residential facility licensed under K.S.A. 75-3307b, and amendments thereto;

(5) individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or

(6) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a state psychiatric hospital or state institution for the mentally retarded.

(e) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in sections 36 through 125 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

Sec. 34. Section 189 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 189. (a) Criminal possession of a firearm by a convicted felon is possession of any firearm by a person who:

(1) Has been convicted of a person felony or a violation of K.S.A. 2009-2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, 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 K.S.A. 2009-2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, and was found to have been in possession of a firearm at the time of the commission of the crime;

(2) 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)(3)(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 not found to have been in possession of a firearm at the time of the commission of the crime; or

(3) possession of any firearm by a person who, within the preceding 10 years, has been convicted of a:

(A) Felony under section 37, section 38, section 39, section 40, section 43, subsection (b) or (d) of section 47, subsection (b) or (d) of section 48, subsection (a) of section 50, subsection (b) of section 55, section 67, sub-
section (b) of section 68, subsection (b) of section 69, subsection (b) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; K.S.A. 2009 Supp. 21-36a03 or 21-36a06, and amendments thereto, or K.S.A. 65-4127a, 65-4127b or 65-1160 through 65-1164, prior to their repeal or K.S.A. 65-4127a, 65-4127b, 65-4127c or 65-4127d, and amendments thereto, or K.S.A. 65-4127a, 65-4127b, 65-4127c or 65-4127d, prior to their repeal; an attempt, conspiracy or criminal solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of any such felony; 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 not found to have been in possession of a firearm at the time of the commission of the crime, and has not had the conviction of such crime expunged or been pardoned for such crime; or

(B) 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 crime.

(b) Criminal possession of a firearm by a convicted felon is a severity level 8, nonperson felony.

Sec. 35. Section 194 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 194. (a) It shall be unlawful to possess, with no requirement of a culpable mental state, a firearm on the grounds in any of the following places:

(1) Within any building located within the capitol complex;
(2) within the governor’s residence;
(3) on the grounds of or in any building on the grounds of the governor’s residence;
(4) 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; or
(5) within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse.

(b) Violation of this section is a class A misdemeanor.
(c) This section shall not apply to:
   (1) A commissioned law enforcement officer;
   (2) a full-time salaried law enforcement officer of another state or the federal government who is carrying out official duties while in this state;
   (3) any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer; or
   (4) a member of the military of this state or the United States engaged in the performance of duties; or
   (5) a person with a license issued pursuant to or recognized under K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto, except in buildings posted in accordance with K.S.A. 2010 Supp. 75-7c10, and amendments thereto, and in the areas specified in subsections (a)(2) and (a)(3).

(d) It is not a violation of this section for the:
   (1) Governor, the governor’s immediate family, or specifically authorized guest 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; or
   (2) United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a firearm within any county courthouse and court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

(e) Notwithstanding the provisions of this section, any county may elect by passage of a resolution that the provisions of subsection (d)(2) shall not apply to such county’s courthouse or court-related facilities if such:
   (1) Facilities have adequate security measures to ensure that no weapons are permitted to be carried into such facilities;
   (2) facilities have adequate measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options;
   (3) county also has a policy or regulation requiring all law enforcement officers to secure and store such officer’s firearm upon entering the courthouse or court-related facility. Such policy or regulation may provide that it does not apply to court security or sheriff’s office personnel for such county; and
   (4) facilities have a sign conspicuously posted at each entryway into
such facility stating that the provisions of subsection (d)(2) do not apply to such facility.

(f) As used in this section:

1. “Adequate security measures” means the use of electronic equipment and personnel to detect and restrict the carrying of any weapons into the facility, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes;

2. “possession” means having joint or exclusive control over a firearm or having a firearm in a place where the person has some measure of access and right of control; and

3. “capitol complex” means the same as in K.S.A. 75-4514, and amendments thereto.

(g) For the purposes of subsection (a)(1), (a)(4) and (a)(5), “building” and “courthouse” shall not include any structure, or any area of any structure, designated for the parking of motor vehicles.

Sec. 36. Section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 244. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

1. Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

2. impose the fine applicable to the offense;

3. release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

4. assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

5. assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;
(6) assign the defendant to a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (c) of section 242 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in section 136 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson or aggravated arson as defined in section 98 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant’s conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in subsection (i) of section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;
impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) and (12); or

suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant’s crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (d) of section 242 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the
defendant or the defendant’s immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of section 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2010 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of section 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration
whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp’s or a community intermediate sanction center’s placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents’ defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant’s immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the pay-
ment voucher for indigents’ defense services or the amount prescribed by the board of indigents’ defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary’s custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by section 248 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) Except as provided by subsection (f) of section 286 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, the court shall require the defendant who meets the requirements established in section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2010 Supp. 75-
52,144, and amendments thereto, including, but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender’s refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in section 286 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. For those offenders who are convicted on or after July 1, 2003, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender’s driver’s license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person’s privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver’s license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person’s privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person’s license hereunder, the judge shall require such person to surrender such person’s driver’s license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver’s license which shall indicate on its face that conditions have been imposed on such person’s privilege
of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person’s state of residence. Such judge shall furnish to any person whose driver’s license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver’s license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person’s privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person’s driver’s license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, “highway” and “street” means the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to section 1 of chapter 101 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall require the defendant to undergo a domestic violence offender assessment and follow all recommendations unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence assessment and any other evaluation to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.

Sec. 37. Section 266 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 266. (a) An aggravated
habitual sex offender shall be sentenced to imprisonment for life without the possibility of parole. Such offender shall spend the remainder of the offender’s natural life incarcerated and in the custody of the secretary of corrections. An offender who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, or suspension, modification or reduction of sentence.

(b) Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.

(c) As used in this section:

(1) ‘‘Aggravated habitual sex offender’’ means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, as described in subsection (c)(2)(A) through (c)(2)(J) or (c)(2)(L); and (B) prior to the conviction of the felony under subparagraph (A), has been convicted on at least two prior conviction events of any sexually violent crime of two or more sexually violent crimes;

(2) ‘‘Prior conviction event’’ means one or more felony convictions of a sexually violent crime occurring on the same day and within a single court. These convictions may result from multiple counts within an information or from more than one information. If a person crosses a county line and commits a felony as part of the same criminal act or acts, such felony, if such person is convicted, shall be considered part of the prior conviction event.

(3) ‘‘Sexually violent crime’’ means:

(A) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(B) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(C) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) and or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(D) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(E) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(F) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(G) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(H) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(I) any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

(J) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of a sexually violent crime as defined in this section; or

(K) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, “sexually motivated” means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant’s sexual gratification.

Sec. 38. Section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008, is hereby amended to read as follows: Sec. 285. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:
## SENTENCING RANGE - NONDRUG OFFENSES

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### Legend
- Presumptive Probation
- No Record
(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid’s vertical axis is the crime severity scale which classifies current crimes of conviction. The grid’s horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court’s discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender’s criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of subsection (d) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant’s sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
(h) When a firearm is used to commit any person felony, the offender’s sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 of chapter 136 of the 2010 Session Laws of Kansas and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(2) If because of the offender’s criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in section 109 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary’s determination regarding the availability of treatment resources and facility capacity shall not be subject to review.

(j) The sentence for any persistent sex offender whose current conviction carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, “persistent sex offender” means a person who:

(A) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-
3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender’s sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, “criminal street gang” means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of subsection (a)(1) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715, prior to its repeal, 21-3716, prior to its repeal, subsection (a)(1) or (a)(2) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, or subsection (b) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.
(m) The sentence for a violation of K.S.A 22-4903 or subsection (a)(2) of section 138 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of subsection (b) of K.S.A. 21-3705, prior to its repeal, or of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:
(1) Substance abuse was an underlying factor in the commission of the crime;
(2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
(3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional non-prison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:
(1) Substance abuse was an underlying factor in the commission of the crime;
(2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
(3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the
offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender’s term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of subsection (c)(2) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months’ imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010
Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

Sec. 39. Section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 81 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 298. (a) (1) Whenever a person is convicted of a felony, the court upon motion of either the defendant or the state, shall hold a hearing to consider imposition of a departure sentence other than an upward durational departure sentence. The motion shall state the type of departure sought and the reasons and factors relied upon. The hearing shall be scheduled so that the parties have adequate time to prepare and present arguments regarding the issues of departure sentencing. The county or district attorney shall notify the victim of a crime or the victim’s family of the right to be present at the hearing. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the hearing. The court shall review the victim impact statement. Prior to the hearing, the court shall transmit to the defendant or the defendant’s attorney and the prosecutor copies of the pre-sentence investigation report.

(2) At the conclusion of the hearing or within 21 days thereafter, the court shall issue findings of fact and conclusions of law regarding the issues submitted by the parties, and shall enter an appropriate order.

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

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

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

(2) The court shall determine if the presentation of any evidence regarding the alleged fact or factors that may increase the penalty for a crime
beyond the statutory maximum, other than a prior conviction, shall be presented to a jury and proved beyond a reasonable doubt during the trial of the matter or whether such evidence should be submitted to the jury in a separate departure sentencing hearing following the determination of the defendant’s innocence or guilt.

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

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

(5) In the upward durational departure sentence proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of determining if any specific factors exist that may serve to enhance the maximum sentence as provided by section 296 or 297 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. Only such evidence as the state has made known to the defendant prior to the upward durational departure sentence proceeding shall be admissible, and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the upward durational departure sentence proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral arguments.

(6) The court shall provide oral and written instructions to the jury to guide its deliberations.
(7) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more specific factors exist that may serve to enhance the maximum sentence, the defendant may be sentenced pursuant to sections 296 through 299 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; otherwise, the defendant shall be sentenced as provided by law. The jury, if its verdict is a unanimous recommendation that one or more of the specific factors that may serve to enhance the maximum sentence exists, shall designate in writing, signed by the foreman of the jury, the specific factor or factors which the jury found beyond a reasonable doubt. If, after a reasonable time for deliberation, the jury is unable to reach a verdict of finding any of the specific factors, the court shall dismiss the jury and shall only impose a sentence as provided by law. In nonjury cases, the court shall follow the requirements of this subsection in determining if one or more of the specific factors exist that may serve to enhance the maximum sentence.

Sec. 40. Section 36 of 2011 Senate Bill No. 24 is hereby amended to read as follows: Sec. 36. (a) Any order issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code, shall be binding and shall take precedence over any order under this act or article 16 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto (divorce), or K.S.A. 60-1610, prior to its repeal, until jurisdiction under the revised Kansas code for care of children or the revised Kansas juvenile justice code is terminated.

(b) An order granting visitation rights or parenting time pursuant to this section may be enforced in accordance with the uniform child custody jurisdiction and enforcement act, or K.S.A. 23-701, and amendments thereto.


Sec. 42. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 19, 2011.
AN ACT concerning sexually violent predators; relating to habeas corpus; relating to expert testimony; amending K.S.A. 59-29a06 and K.S.A. 2010 Supp. 59-29a04a and repealing the existing sections.

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

New Section 1. (a) Whenever a person civilly committed pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, files a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to such commitment, the costs incurred, including, but not limited to, costs of appointed counsel fees and expenses, witness fees and expenses, expert fees and expenses, and other expenses related to the prosecution and defense of such petition shall be taxed to the county responsible for the costs. Any district court receiving a statement of costs from another district court shall forthwith approve the same for payment out of the general fund of its county except that it may refuse to approve the same for payment only on the ground that it is not the county responsible for the costs. If the claim for costs is not paid within 120 days, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county.

(b) The county responsible for the costs incurred pursuant to subsection (a) shall be reimbursed for such costs by the office of the attorney general from the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.

(c) As used in this section, “county responsible for the costs” means the county where the person was determined to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 59-29a04a is hereby amended to read as follows: 59-29a04a. (a) There is hereby created in the state treasury the sexually violent predator expense fund which shall be administered by the attorney general. All moneys credited to such fund shall be used to reimburse counties under:

(1) K.S.A. 59-29a04, and amendments thereto, responsible for the costs related to determining whether a person may be a sexually violent predator;

and

(2) section 1, and amendments thereto, for the costs related to a person filing a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to the civil commitment pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(b) All expenditures from the sexually violent predator expense fund
shall be made in accordance with appropriation acts upon warrants of the
director of accounts and reports issued pursuant to vouchers approved by
the attorney general or the attorney general’s designee.

Sec. 3. K.S.A. 59-29a06 is hereby amended to read as follows: 59-
29a06. (a) Within 60 days after the completion of any hearing held pursuant
to K.S.A. 59-29a05, and amendments thereto, the court shall conduct a trial
to determine whether the person is a sexually violent predator. The trial
may be continued upon the request of either party and a showing of good
cause, or by the court on its own motion in the due administration of justice,
and when the respondent will not be substantially prejudiced.

(b) At all stages of the proceedings under K.S.A. 59-29a01 et seq., and
amendments thereto, any person subject to K.S.A. 59-29a01 et seq., and
amendments thereto, shall be entitled to the assistance of counsel, and if
the person is indigent, the court shall appoint counsel to assist such person.
Whenever any person is subjected to an examination under K.S.A. 59-
29a01 et seq., and amendments thereto, such person may retain experts or
professional persons to perform an examination of such person’s behalf.
When the person wishes to be examined by a qualified expert or profes-
sional person of such person’s own choice, such examiner shall be permitted
to have reasonable access to the person for the purpose of such examination,
as well as to all relevant medical and psychological records and reports. In
the case of a person who is indigent, the court, upon the person’s request,
shall determine whether the services are necessary and reasonable compen-
sation for such services. If the court determines that the services are nec-
CESSARY and the expert or professional person’s requested compensation for
such services is reasonable, the court shall assist the person in obtaining an
expert or professional person to perform an examination or participate in
the trial on the person’s behalf. The court shall approve payment for such
services upon the filing of a certified claim for compensation supported by
a written statement specifying the time expended, services rendered, ex-
penses incurred on behalf of the person and compensation received in the
same case or for the same services from any other source.

(c) Notwithstanding K.S.A. 60-456, and amendments thereto, at any
trial conducted under K.S.A. 59-29a01 et seq., and amendments thereto,
the parties shall be permitted to call expert witnesses. The facts or data in
the particular case upon which an expert bases an opinion or inference
may be those perceived by or made known to the expert at or before the
hearing. If the facts or data are of a type reasonably relied upon by experts
in the particular field in forming opinions or inferences upon the subject,
such facts and data need not be admissible in evidence in order for the
opinion or inference to be admitted.

(d) The person, the attorney general, or the judge shall have the right
to demand that the trial be before a jury. Such demand for the trial to be
before a jury shall be filed, in writing, at least four days prior to trial.
Number and selection of jurors shall be determined as provided in K.S.A. 22-3403, and amendments thereto. If no demand is made, the trial shall be before the court.

(e) A jury shall consist of 12 jurors unless the parties agree in writing with the approval of the court that the jury shall consist of any number of jurors less than 12 jurors. The person and the attorney general shall each have eight peremptory challenges, or in the case of a jury of less than 12 jurors, a proportionally equal number of peremptory challenges.

(f) The provisions of this section are not jurisdictional, and failure to comply with such provisions in no way prevents the attorney general from proceeding against a person otherwise subject to the provision of K.S.A. 59-29a01 et seq., and amendments thereto.

Sec. 4 K.S.A. 59-29a06 and K.S.A. 2010 Supp. 59-29a04a are hereby repealed.

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

Approved May 19, 2011.

CHAPTER 93
Substitute for HOUSE BILL No. 2191

AN ACT concerning school districts; relating to teachers; amending K.S.A. 2010 Supp. 72-5445 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 72-5445 is hereby amended to read as follows: 72-5445. (a) (1) Subject to the provisions of subsections (b) and (c), the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to: (A) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed; and (B) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of subpart (A) in any school district, area vocational-technical school or community college in this state.

(2) Any board may waive, at any time, the years of employment requirements of provision (1) for any teachers employed by it.
(3) The provisions of this subsection are subject to the provisions of K.S.A. 72-5446, and amendments thereto.

(b) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply to any teacher whose license has been nonrenewed or revoked by the state board of education for the reason that the teacher: (1) Has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 36 through 64, 174, 210 or 211 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or an act described in K.S.A. 21-3412 or K.S.A. 21-3412a, prior to their repeal, or sections 48 or 49 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 65 through 77 or 229 through 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 78 through 86 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 87 through 125 and subsection (a)(6) of section 223 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; (6) has been convicted of an attempt under K.S.A. 21-3301, prior to their repeal, or section 33 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, prior to their repeal, or sections 212 or 213 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

(c) (1) The provisions of this subsection shall apply to a teacher described in subsection (a)(1)(A) of this section. After a teacher has completed not less than three consecutive years of employment and if the requirements of paragraph (2) have been satisfied, the board of education of the school district and the teacher may enter into an agreement under which the school district may offer the teacher a contract of employment for a fourth year or a fourth and fifth year and the teacher agrees that the provisions of
K.S.A. 72-5438 through 72-5443, and amendments thereto, shall not apply to such teacher unless a sixth contract is offered to the teacher.

(2) A school district offering a contract pursuant to this subsection shall prepare a written plan of assistance for the teacher being offered such contract and shall submit such plan of assistance to the teacher at the time such contract is offered. Prior to signing or rejecting a contract, the teacher shall have not less than 48 hours from the time the contract is offered to review and consider the contract and the plan of assistance. The plan of assistance shall be written to address those areas of teacher performance where the school district believes the teacher’s performance is less than satisfactory.

(3) If an agreement under this subsection is reached by the teacher and the school district, then the school district shall file annually a report with the state board of education which shall contain the following information in subparagraphs (A) through (D):

(A) The number of teachers that were offered by the school district a contract under subsection (a)(1)(A) of this section;

(B) the number of teachers that were offered by the school district an agreement under this subsection;

(C) the number of teachers that accepted the agreement under this subsection;

(D) the number of teachers that were not offered by the school district either a contract under subsection (a)(1)(A) of this section or an agreement under this subsection.

(4) In addition to the reports required under paragraph (3), each school district shall report annually to the state board of education, the committee on education of the senate and the committee on education of the house of representatives the number of contracts issued under subsection (a) which result in the application of K.S.A. 72-5438 through 72-5443, and amendments thereto, to the teachers who receive such contracts and the year of employment for which the contract is issued.

(5) The provisions of this subsection shall expire on July 1, 2016.

Sec. 2. K.S.A. 2010 Supp. 72-5445 is hereby repealed.

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

Approved May 19, 2011.
AN ACT concerning racial or other biased-based policing; amending K.S.A. 22-4606, 22-4609, 22-4610 and 22-4611 and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608.

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

Section 1. K.S.A. 22-4606 is hereby amended to read as follows:

22-4606. As used in this act:

(a) "Governmental unit" means the state, or any county, city or other political subdivision thereof, or any department, division, board or other agency of any of the foregoing, except governmental unit shall not include the board of education of any school district employing school security officers.

(b) "Law enforcement agency" means the governmental unit employing the law enforcement officer.

(c) "Law enforcement officer" has the meaning ascribed thereto in K.S.A. 74-5602, and amendments thereto, except law enforcement officer shall not include school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222, and amendments thereto.

(d) "Racial profiling" means the practice of a law enforcement officer or agency relying, as the sole factor, on race, ethnicity, national origin, gender or religious dress in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity. Racial profiling does not include reliance on such criteria in combination with other identifying factors when the law enforcement officer or agency is seeking to apprehend a specific suspect whose race, ethnicity, national origin, gender or religious dress is part of the description of the suspect.

"Racial or other biased-based policing" means the unreasonable use of race, ethnicity, national origin, gender or religion by a law enforcement officer in deciding to initiate an enforcement action. It is not racial or other biased-based policing when race, ethnicity, national origin, gender or religion is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.

(e) "Routine investigatory activities" includes, but is not limited to, the following activities conducted by law enforcement officers and agencies in conjunction with traffic stops: (1) Frisks and other types of body searches, and (2) consensual or nonconsensual searches of persons or possessions, including vehicles, dormitory rooms, school lockers, homes and apartments. "Enforcement action" means any law enforcement act, as described in K.S.A. 22-4609, and amendments thereto, during a nonconsensual contact with an individual or individuals.

(f) "Collection of data" means that information collected by Kansas law enforcement officers after each traffic stop.
Sec. 2. K.S.A. 22-4609 is hereby amended to read as follows:

22-4609. The race, ethnicity, national origin, gender or religious dress of an individual or a group shall not be the sole factor in it is unlawful to use racial or other biased-based policing in:

(a) Determining the existence of probable cause to take into custody or to arrest an individual or in:

(b) Constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or

(c) Determining the existence of probable cause to conduct a search of an individual or a conveyance.

Sec. 3. K.S.A. 22-4610 is hereby amended to read as follows:

22-4610. (a) All law enforcement agencies in this state shall adopt a detailed, written policy to preempt racial profiling or other biased-based policing. Each agency’s policy shall include the definition of racial profiling or other biased-based policing found in K.S.A. 22-4606, and amendments thereto.

(b) Policies adopted pursuant to this section shall be implemented by all Kansas law enforcement agencies within one year after the effective date of this act. The policies and data collection procedures shall be available for public inspection during normal business hours.

(c) The policies adopted pursuant to this section shall include, but not be limited to, the following:

(1) A prohibition of racial profiling. A detailed written policy that prohibits racial or other biased-based policing and that clearly defines acts constituting racial or other biased-based policing using language that has been recommended by the attorney general.

(2) Annual educational training which shall include, but not be limited to, an understanding of the historical and cultural systems that perpetuate racial profiling, assistance in identifying racial profiling practices, and providing officers with self-evaluation strategies to preempt racial profiling prior to stopping a citizen.

(2) The agency policies shall require annual racial or other biased-based policing training which shall include, but not be limited to, training relevant to racial or other biased-based policing. Distance learning training technology shall be allowed for racial or other biased-based policing training.

(3) Law enforcement agencies may appoint an advisory body of not less than five persons composed of representatives of law enforcement, community leaders and educational leaders to recommend and review appropriate training curricula.

(3) For law enforcement agencies of cities of the first class, establishment or use of current independent citizen of cities or counties that have exercised the option to establish community advisory boards pursuant to section 6, and amendments thereto, use of such community advisory boards
which include participants who reflect the racial and ethnic community, to advise and assist in policy development, education and community outreach and communications related to racial profiling or other biased-based policing by law enforcement officers and agencies.

(B) Community advisory boards shall receive training on fair and impartial policing and comprehensive plans for law enforcement agencies.

(4) Policies for discipline of law enforcement officers and agencies who engage in racial profiling or other biased-based policing.

(5) A provision that, if the investigation of a complaint of racial profiling or other biased-based policing reveals the officer was in direct violation of the law enforcement agency’s written policies regarding racial profiling or other biased-based policing, the employing law enforcement agency shall take appropriate action consistent with applicable laws, rules and regulations, resolutions, ordinances or policies, including demerits, suspension or removal of the officer from the agency.

(6) Provisions for community outreach and communications efforts to inform the public of the individual’s right to file with the law enforcement agency or the Kansas human rights commission office of the attorney general complaints regarding racial profiling or other biased-based policing, which outreach and communications to the community shall include ongoing efforts to notify the public of the law enforcement agency’s complaint process.

(7) Procedures for individuals to file complaints of racial profiling or other biased-based policing with the agency, which, if appropriate, may provide for use of current procedures for addressing such complaints.

(d) (1) Each law enforcement agency shall compile an annual report of all complaints of racial profiling received for the period of July 1 to June 30 and shall submit the report on or before January 31 to the office of the attorney general for review. The annual report shall include: (1) The date the complaint is filed; (2) action taken in response to the complaint; (3) the decision upon disposition of the complaint; and (4) the date the complaint is closed. Annual reports filed pursuant to this subsection shall be open public records and shall be posted on the official website of the attorney general.

(2) The annual report shall include:
(A) The number of racial or other biased-based policing complaints received;
(B) the date each racial or other biased-based policing complaint is filed;
(C) action taken in response to each racial or other biased-based policing complaint;
(D) the disposition of each racial or other biased-based policing complaint;
(E) the date each racial or other biased-based policing complaint is closed;
(F) whether or not all agency law enforcement officers not exempted by Kansas commission on peace officers’ standards and training received the training required in subsection (c)(2)(A);

(G) whether the agency has a policy prohibiting racial or other biased-based policing;

(H) whether the agency policy mandates specific discipline for sustained complaints of racial or other biased-based policing;

(I) whether the agency has a community advisory board; and

(J) whether the agency has a racial or other biased-based policing comprehensive plan or if it collects traffic or pedestrian stop data.

Sec. 4. K.S.A. 22-4611 is hereby amended to read as follows: 22-4611.

(a) Any person who believes such person has been subjected to racial profiling or other biased-based policing by a law enforcement officer or agency may file a complaint with the law enforcement agency. The complainant may also file a complaint with the Kansas human rights commission office of the attorney general. The office of the attorney general commission shall review and, if necessary, investigate the complaint and may find there is insufficient evidence of racial or other biased-based policing or may forward the complaint for further review and possible action to the Kansas commission on peace officers’ standards and training. The commission shall review and, if necessary, further investigate the complaint. The commission may take action on the officer’s certification or other corrective action as allowed by its governing statutes and rules and regulations. The commission’s designee shall consult with the head of the law enforcement agency before making taking final recommendations action regarding discipline of any law enforcement officer or other disposition of the complaint.

(b) Within 10 days of receiving a complaint, the office of the attorney general shall provide notification that such complaint has been filed to the accused officer and to the head of the accused officer’s law enforcement agency, including a copy of all complaint documentation submitted by the complainant.

(c) Upon disposition of a complaint as provided for in subsection (a) the complainant shall have a civil cause of action in the district court against the law enforcement officer or law enforcement agency, or both, and shall be entitled to recover damages if it is determined by the court that such persons officer or agency engaged in racial profiling or other biased-based policing. The court may allow the prevailing party reasonable attorney fees and court costs.

New Sec. 5. (a) The governing body of a city or the sheriff of the county or the sheriff of the county may develop a comprehensive plan in conjunction with a community advisory board, if one exists, or with community leaders to prevent racial or other biased-based policing or may require the law enforcement agency of
such city or county to collect traffic or pedestrian stop data and make such data available to the public.

(b) Any comprehensive plan adopted pursuant to this section shall include the following:

(1) Policies prohibiting racial or other biased-based policing to guide well-meaning officers and address racist officers;

(2) Policies to promote the recruitment and hiring of a diverse workforce to ensure the workforce is comprised of people who can police in a race-neutral and nonbiased fashion;

(3) Training to promote employees’ controlled responses to override racial and other biases;

(4) Ongoing training of supervisors to enable them to detect and respond effectively to biased behavior;

(5) Implement a style of policing that promotes positive interactions between police officers and all communities;

(6) Whether or not the governing body or sheriff has included data collection as part of the comprehensive plan; and

(7) Other matters deemed appropriate.

(c) Data collection, if required, may consist of, but shall not be limited to, one or more of the following for every vehicle or pedestrian stop:

(1) Originating agency and officer identifier number;

(2) Time and date of the stop;

(3) Duration of the stop in ranges of one to 15 minutes, 16 to 30 minutes or more than 30 minutes;

(4) Beat, district, territory or response area where the traffic stop is conducted;

(5) Primary reason for the officer’s investigation, and specifically, whether the stop was call related or self initiated;

(6) Primary reason for the stop, and specifically, whether the stop was based on a moving violation, an equipment violation, reasonable suspicion of a criminal offense, other violation, to render service or assistance, suspicious circumstances, pre-existing knowledge or special detail;

(7) If a vehicle stop, the county code of vehicle registration, if registered in Kansas, and state code, if registered outside Kansas;

(8) Age, race, gender and ethnicity of the primary person stopped by the officer;

(9) Source of the information required by paragraph (8), and specifically, whether it was obtained from officer perception or investigation;

(10) Whether the officer was aware of the information required by paragraph (8) prior to the stop;

(11) If a vehicle stop, the number of occupants in the stopped vehicle, including the driver;

(12) Type of action taken, including citation, warning, search, arrest, assistance provided or no action. If the action taken is an arrest, the data collection shall also include the type of arrest, including warrant, resisting
arrest, property crime, persons crime, drug crime, traffic crime, DUI or other type of arrest;
(13) if a search was conducted, the rationale for the search, including vehicle indicators, verbal indicators, physical or visual indicators, document indicators (DOT), incident to arrest or other rationale;
(14) if a search was conducted, the type of search, including consent search, consent requested but consent denied, inventory, stop and frisk, search warrant, incident to arrest, plain view or probable cause; or
(15) if a search was conducted, the type of contraband seized, if any, including currency, firearms, other weapons, drugs, drug paraphernalia, alcohol products, tobacco products, stolen property or other contraband.
(d) Nothing in this section shall require a governmental entity to collect data concerning pedestrian stops.

New Sec. 6. The governing body of any city, by ordinance or the sheriff of any county may, establish a community advisory board to work with the law enforcement agency of such city or county in accordance with the provisions of K.S.A. 22-4606 et seq., and amendments thereto.

Sec. 7. K.S.A. 22-4604, 22-4606, 22-4608, 22-4609, 22-4610 and 22-4611 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 20, 2011.
Published in the Kansas Register May 26, 2011.

CHAPTER 95
House Substitute for SENATE BILL No. 37


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

Section 1. K.S.A. 22-4901 is hereby amended to read as follows: 22-4901. K.S.A. 22-4901 through 22-4910, 22-4911 and 22-4913, and amendments thereto, shall be known and may be cited as the Kansas offender registration act.

Sec. 2. K.S.A. 2010 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:
(a) “Offender” means:
(1) A sex offender, as defined in subsection (b);
(2) a violent offender, as defined in subsection (d) (e);
(3) a sexually violent predator as defined in subsection (f);
(4) any person who, on and after May 29, 1997, is convicted of any of the following crimes when the victim is less than 18 years of age:
   (A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;
   (B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or
   (C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;
(5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:
   (A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;
   (B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;
   (C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;
   (D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto; or
   (E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto;
(3) a drug offender, as defined in subsection (f);
(6) any person who has been required to register under any federal, military or other state's out of state law or is otherwise required to be registered; and
(7) any person who, on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;
(8) any person who has been convicted of an offense in effect at any time prior to May 29, 1997, that is comparable to any crime defined in subsection (4), (5), (7) or (11), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4), (5), (7) or (11);
(9) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4), (5), (7) or (10);
(10) any person who has been convicted of aggravated human trafficking as defined in K.S.A. 21-3417, and amendments thereto; or
(11) any person who has been convicted of: (A) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined by K.S.A. 65-4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, and amendments thereto, unless the court makes a finding on the
record that the manufacturing or attempting to manufacture such controlled substance was for such person’s personal use;
(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers, with intent to use the product to manufacture a controlled substance as defined by subsection (a) of K.S.A. 65-7006, prior to its repeal or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and amendments thereto, unless the court makes a finding on the record that the possession of such product was intended to be used to manufacture a controlled substance for such person’s personal use; or
(C) K.S.A. 65-4161, prior to its repeal or subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto. The provisions of this paragraph shall not apply to violations of subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto, which occurred on and after July 1, 2009, through the effective date of this act.

Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.

(b) “Sex offender” includes any person who:
(1) On or after April 14, 1994, is convicted of any sexually violent crime set forth in subsection (c) or;
(2) On or after April 14, 1994, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c), unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;
(3) has been determined to be a sexually violent predator, as defined in subsection (d);
(4) on or after May 29, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:
(A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or section 75 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or section 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or section 77 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection; or

(7) has been convicted of an offense in effect at any time prior to July 1, 2011, that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection.

(c) “Sexually violent crime” means:

(1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) criminal sodomy as defined in subsection (a)(2) and or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) indecent solicitation of a child as defined by in K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) aggravated indecent solicitation of a child as defined by in K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) sexual exploitation of a child as defined by in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;
(9) aggravated sexual battery as defined by K.S.A. 21-3518, prior to its repeal, or subsection (b) of section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(10) aggravated incest as defined by K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(11) electronic solicitation as defined by K.S.A. 21-3523, prior to its repeal, and section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, committed on or after April 17, 2008;

(12) unlawful sexual relations as defined by K.S.A. 21-3520, prior to its repeal, or section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, committed on or after July 1, 2010;

(13) any conviction for an offense in effect at any time prior to April 29, 1993, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11) this subsection, or any federal, military or other out of state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section subsection;

(14) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of a sexually violent crime, as defined in this section subsection; or

(15) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this subparagraph paragraph, “sexually motivated” means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant’s sexual gratification.

(d) “Sexually violent predator” means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(e) “Violent offender” includes any person who:

(1) On or after May 29, 1997, is convicted of any of the following crimes:

(A) Capital murder, as defined by K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(B) murder in the first degree, as defined by K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(C) murder in the second degree, as defined by K.S.A. 21-3402,
prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or section 46 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of section 61 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(3) any conviction for an offense in effect at any time prior to May 29, 1997 has been convicted of an offense in effect at any time prior to July 1, 2011, that is comparable to any crime defined in this subsection, or any federal, military or other out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.

(f) ‘Drug offender’ means any person who has been convicted of:

(1) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined in K.S.A. 65-4159, prior to its repeal, or K.S.A. 2010 Supp. 21-36a03, and amendments thereto;

(2) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined in subsection (a) of K.S.A. 65-7006, prior to its repeal, or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and amendments thereto;

(3) K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto. The provisions of this par-
agraph shall not apply to violations of subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto, which occurred on or after July 1, 2009, through April 15, 2010;

(4) an offense in effect at any time prior to July 1, 2011, that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(5) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.

(g) Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from any out of state court shall constitute a conviction for purposes of this section.

(e) “Law enforcement agency having jurisdiction” means the sheriff of the county in which the offender expects to reside upon the offender’s discharge, parole or release.

(f) “Sexually violent predator” means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq. and amendments thereto.

(g) “Nonresident student or worker” includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) “Aggravated offenses” means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(i) “Institution of higher education” means any postsecondary school under the supervision of the Kansas board of regents.

(h) “School” means any public or private educational institution, including, but not limited to, postsecondary school, college, university, community college, secondary school, high school, junior high school, middle school, elementary school, trade school, vocational school or professional school providing training or education to an offender.
(i) “Employment” means any full-time, part-time, transient or day-labor employment, with or without compensation.

(j) “Reside” means to stay, sleep or maintain with regularity one’s person and property in a particular place other than a location where the offender is incarcerated. It shall be presumed that an offender resides at any and all locations where the offender stays, sleeps or maintains the offender’s person for seven or more consecutive days or parts of days, or for seven or more non-consecutive days in a period of 30 consecutive days.

(k) “Residence” means a particular and definable place where an individual resides. Nothing in the Kansas offender registration act shall be construed to state that an offender may only have one residence for the purpose of such act.

(l) “Transient” means having no fixed or identifiable residence.

(m) “Law enforcement agency having initial jurisdiction” means the registering law enforcement agency of the county or location of jurisdiction where the offender expects to most often reside upon the offender’s discharge, parole or release.

(n) “Registering law enforcement agency” means the sheriff’s office or tribal police department responsible for registering an offender.

(o) “Registering entity” means any person, agency or other governmental unit, or correctional facility, treatment facility or registering law enforcement agency responsible for obtaining the required information from, and explaining the required registration procedures to, any person required to register pursuant to the Kansas offender registration act. “Registering entity” shall include, but not be limited to, sheriff’s offices, tribal police departments, correctional facilities and treatment facilities.

(p) “Treatment facility” means any public or private facility, hospital or institution providing inpatient treatment or counseling.

(q) “Correctional facility” means any public or private correctional facility, juvenile detention facility, prison or jail.

(r) “Out of state” means: the District of Columbia; any federal, military, or tribal jurisdiction, including those within this state; any foreign jurisdiction; or any state or territory within the United States, other than this state.

(s) “Duration of registration” means the length of time during which an offender is required to register for a specified offense or violation.

Sec. 3. K.S.A. 22-4903 is hereby amended to read as follows: 22-4903.

(a) Any person who is required to register as provided in the Kansas offender registration act who violates any of the provisions of such act, including all duties set out in K.S.A. 22-4904 through 22-4907, and amendments thereto, is guilty of a severity level 5, person felony. Any violation of any provision of such act, including a violation of the duties set forth in K.S.A. 22-4904 through K.S.A. 22-4907, and amendments thereto, which continues for more than 30 consecutive days shall, upon the 31st consec-
Violation of the Kansas offender registration act is the failure by an offender, as defined in K.S.A. 22-4902, and amendments thereto, to comply with any and all provisions of such act, including any and all duties set forth in K.S.A. 22-4905 through 22-4907, and amendments thereto. Any violation of the Kansas offender registration act which continues for more than 30 consecutive days shall, upon the 31st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate offense every 30 days thereafter for as long as the violation continues.

(b) Aggravated violation of the Kansas offender registration act is violation of the Kansas offender registration act which continues for more than 180 consecutive days. Any aggravated violation of the Kansas offender registration act which continues for more than 180 consecutive days shall, upon the 181st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate violation of the Kansas offender registration act every 30 days thereafter, or a new and separate aggravated violation of the Kansas offender registration act every 180 days thereafter, for as long as the violation continues.

(c) (1) Violation of the Kansas offender registration act is:
(A) Upon a first conviction, a severity level 6, person felony;
(B) upon a second conviction, a severity level 5, person felony; and
(C) upon a third or subsequent conviction, a severity level 3, person felony.
(2) Aggravated violation of the Kansas offender registration act is a severity level 3, person felony.

(d) Prosecution of violations of this section may be held:
(1) In any county in which the offender resides;
(2) in any county in which the offender is required to be registered under the Kansas offender registration act;
(3) in any county in which the offender is located during which time the offender is not in compliance with the Kansas offender registration act; or
(4) in the county in which any conviction occurred for which the offender is required to be registered under the Kansas offender registration act.

Sec. 4. K.S.A. 2010 Supp. 22-4904 is hereby amended to read as follows: 22-4904. (a) (1) Except as provided in subsection (a)(2), within 14 days of the offender coming into any county in which the offender resides
or is temporarily domiciled for more than 14 days, the offender shall register with the sheriff of the county.

(2) Within 14 days of the offender coming into any county in which the offender resides or temporarily resides for more than 14 days, any offender who has provided the information and completed and signed the registration form as required in K.S.A. 22-1905, and amendments thereto, shall verify with the sheriff of the county that the sheriff has received such offender’s information and registration form.

(3) Upon registration with a school or educational institution, a nonresident student attending such school or educational institution shall register with the sheriff within 14 days of the commencement of the school term.

(4) Upon commencement of employment, a nonresident worker shall register with the sheriff within 14 days of the commencement date of employment.

(5) For persons required to register as provided in subsections (a)(1), (a)(3) and (a)(4), the sheriff shall: (A) Explain the duty to register and the procedure for registration;

(B) obtain the information required for registration as provided in K.S.A. 22-1907, and amendments thereto;

(C) inform the offender that the offender must give written notice of any change of address within 14 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(D) inform the nonresident student offender that the offender must give written notice to the sheriff and the Kansas bureau of investigation of any change of address within 14 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(E) inform the nonresident worker offender that the offender must give written notice to the sheriff and the Kansas bureau of investigation of any termination of employment at the offender’s place of employment, within 14 days of such termination;

(F) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 14 days of such change in residence;

(G) inform the offender that the offender must also register in any state or county where the offender is employed, carries on a vocation or is a student;

(H) inform the offender that if the offender expects to or subsequently becomes enrolled in any institution of higher education in the state of Kansas on a full-time or part-time basis or have any full-time or part-time employment at an institution of higher education in the state of Kansas, with or without compensation, for more than 14 days, or for an aggregate
period exceeding 30 days in one calendar year, the offender must provide written notice to the Kansas bureau of investigation within 14 days upon commencement of enrollment or employment;

(I) inform the offender that if there is any change or termination in attendance or employment at an institution of higher education, the offender must provide written notice to the Kansas bureau of investigation within 14 days of the change or termination;

(J) inform the offender of the requirement of an annual driver’s license renewal pursuant to K.S.A. 8-247, and amendments thereto, and an annual identification card renewal pursuant to K.S.A. 8-1325a, and amendments thereto; and

(K) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.

(6) Such sheriff, within seven days of receipt of the initial registration shall forward this information to the Kansas bureau of investigation.

(7) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act then all provisions of that act shall apply, except that the term of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(b) If any person required to register as provided in this act changes the address of the person’s residence, the offender, within 14 days, shall inform in writing the law enforcement agency where such offender last registered and the Kansas bureau of investigation of the new address.

(c) Any person who is required to register under this act shall report in person three times each year to the sheriff’s office in the county in which the person resides or is otherwise located. The person shall be required to report once during the month of the person’s birthday and every four months thereafter. The sheriff’s office may determine the appropriate times and days for reporting by the person, consistent with this subsection. The person shall verify:

(1) Whether the person still resides at the address last reported;
(2) whether the person still attends the school or educational institution last reported;
(3) whether the person is still employed at the place of employment last reported; and
(4) whether the person’s vehicle registration information is the same as last reported.

Nothing contained in this subsection shall be construed to alleviate any person required to register as provided in this act from meeting the requirements prescribed in subsections (a)(1), (a)(2) and (b).

The sheriff’s office shall forward any updated information and current
photograph required under subsection (d), to the Kansas bureau of investigation.

(d) Every person who is required to register under this act shall submit to the taking of an updated photograph by the sheriff’s office on each occasion when the person reports to the sheriff’s office in the county in which the person resides or is otherwise located.

(e) Every person who is required to register under this act shall remit payment to the sheriff in the amount of $20 on each occasion when the person reports to the sheriff’s office in the county in which the person resides or is otherwise located. All funds retained by the sheriff pursuant to the provisions of this section shall be 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 reduce the amount of funding otherwise made available to the sheriff’s office.

(a) At the time of sentencing or disposition for an offense requiring registration as provided in K.S.A. 22-4902, and amendments thereto, the court shall:

1. Inform any offender, on the record, of the procedure to register and the requirements of K.S.A. 22-4905, and amendments thereto;

2. if the offender is released on probation, receiving a suspended sentence, sentenced to community corrections or released on postrelease supervision:

   A. Complete the initial registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

   B. require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender; and

   C. order the offender to report within three business days to the registering law enforcement agency in the county or tribal land of conviction or adjudication and to the registering law enforcement agency in any place where the offender resides, maintains employment or attends school, to complete the registration form with all information and any updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

3. if the offender is to remain in custody until sentencing, direct the correctional facility to complete the initial registration form within three business days for submission to the Kansas bureau of investigation, as set forth in subsection (b); and

4. ensure the age of the victim is documented in the journal entry of conviction or adjudication.

(b) The staff of any correctional facility shall:

1. Notify the Kansas bureau of investigation of the incarceration of
any offender and of the location or any change in location of the offender while in custody;

(2) prior to any offender being discharged, paroled, furloughed or released on work or school release from a correctional facility, or otherwise released from incarceration:

(A) Inform the offender of the procedure for registration and of the offender’s registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) complete the registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(3) photograph the offender’s face and any identifying marks;

(4) provide one copy of the form to the offender and, within three days, send a copy of the form and of the photograph or photographs to the law enforcement agency having initial jurisdiction and to the Kansas bureau of investigation;

(5) notify the law enforcement agency having initial jurisdiction and the Kansas bureau of investigation seven business days prior to any offender being discharged, paroled, furloughed or released on work or school release; and

(6) enter all offender information required by the national crime information center into the national sex offender registry system.

(c) The staff of any treatment facility shall:

(1) Within three days of an offender’s arrival for inpatient treatment, inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender’s presence at the treatment facility and the expected duration of the treatment, and immediately notify the registering law enforcement agency of an unauthorized or unexpected absence of the offender during the offender’s treatment;

(2) provide information upon request to any registering law enforcement agency having jurisdiction relevant to determining the presence of an offender within the treatment facility; and

(3) prior to any offender receiving court ordered treatment being discharged or otherwise released:

(A) Inform the offender of the procedure for registration and the offender’s registration requirements, as provided in K.S.A. 22-4905, and amendments thereto;

(B) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(C) require the offender to read and sign the registration form which
shall include a statement that the requirements provided in this subsection have been explained to the offender.

(d) The registering law enforcement agency, upon the reporting of any offender, shall:

(1) Inform the offender of the duty to register as provided by the Kansas offender registration act;

(2) (A) Explain the procedure for registration and the offender’s registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(3) complete the registration form with all information and updated information required for registration, as provided in K.S.A. 22-4907, and amendments thereto, each time the offender reports to the registering law enforcement agency. All additions or changes in the information reported by an offender shall be forwarded to the Kansas bureau of investigation within three business days;

(4) maintain the original signed registration form, provide one copy of the completed registration form to the offender and, within three business days, send one copy of the completed form to the Kansas bureau of investigation;

(5) obtain registration information from every offender required to register regardless of whether or not the offender remits payment. Failure of the offender to remit payment is a violation of the Kansas offender registration act and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments thereto;

(6) upon every required reporting, update the photograph or photographs of the offender’s face and any new identifying marks and immediately forward copies or electronic files of the photographs to the Kansas bureau of investigation;

(7) enter all offender information required by the national crime information center into the national sex offender registry system within three days of completing the registration;

(8) maintain a special fund for the deposit and maintenance of fees paid by offenders. All funds retained by the registering law enforcement agency pursuant to the provisions of this section shall be credited to a special fund of the registering law enforcement agency which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to reduce the amount of funding otherwise made available to the registering law enforcement agency; and

(9) forward any initial registration and updated registration informa-
tion within three days to any out of state jurisdiction where the offender is expected to reside, maintain employment or attend school.

(e) (1) The Kansas bureau of investigation shall:

(A) Forward all additions or changes in information to any registering law enforcement agency, other than the agency that submitted the form, where the offender expects to reside, maintain employment or attend school;

(B) ensure that offender information is immediately entered in the state registered offender database and the Kansas registered offender website, as provided in K.S.A. 22-4909, and amendments thereto; and

(C) transmit offender conviction or adjudication data and fingerprints to the federal bureau of investigation.

(2) The director of the Kansas bureau of investigation may adopt rules and regulations necessary to implement the provisions of the Kansas offender registration act.

(f) The attorney general shall, within 10 business days of an offender being declared a sexually violent predator, forward to the Kansas bureau of investigation all relevant court documentation declaring an offender a sexually violent predator.

(g) The state department of education shall annually notify any school of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration act sponsored or created by the registering law enforcement agency of the county or location of jurisdiction in which the school is located, for the purpose of locating offenders who reside near such school. Such notification shall include information that the registering law enforcement agency of the county or location of jurisdiction where such school is located is available to the school to assist in using the registry and providing additional information on registered offenders.

(h) The secretary of health and environment shall annually notify any licensed child care facility of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration act sponsored or created by the registering law enforcement agency of the county in which the facility is located, for the purpose of locating offenders who reside near such facility. Such notification shall include information that the registering law enforcement agency of the county or location of jurisdiction where such child care facility is located is available to the child care facilities to assist in using the registry and providing additional information on registered offenders.

(i) Upon request, the clerk of any court of record shall provide the Kansas bureau of investigation copies of complaints, indictments, information, journal entries, commitment orders or any other documents necessary to the performance of the duties of the Kansas bureau of investigation under the Kansas offender registration act. No fees or charges for providing such documents may be assessed.
Sec. 5. K.S.A. 2010 Supp. 22-4905 is hereby amended to read as follows: 22-4905. (a) (1) Any offender, who is discharged or paroled from a prison, hospital or other institution or facility involving a violation of any crime or confinement as provided in subsection (a), (b), (d) or (f) of K.S.A. 22-4902, and amendments thereto, prior to discharge, parole or release, shall be informed by the staff of the facility in which the offender was confined of the duty to register as provided in this act.

(2) (A) The staff of the facility shall: (i) Explain the duty to register and the procedure for registration;

(ii) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(iii) inform the offender that the offender must give written notice of any change of address within 14 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(iv) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 14 days of such change in residence;

(v) inform the offender that the offender must also register in any state or county where the offender is employed, carries on a vocation or is a student;

(vi) inform the offender that if the offender expects to or subsequently becomes enrolled in any institution of higher education in the state of Kansas on a full-time or part-time basis or have any full-time or part-time employment at an institution of higher education in the state of Kansas, with or without compensation, for more than 14 days or an aggregate period exceeding 30 days in one calendar year, the offender must provide written notice to the Kansas bureau of investigation within 14 days upon commencement of enrollment or employment;

(vii) inform the offender that if there is any change or termination in attendance or employment, at an institution of higher education, the offender must provide written notice to the Kansas bureau of investigation within 14 days of the change or termination;

(viii) inform the offender of the requirement of an annual driver’s license renewal pursuant to K.S.A. 8-247, and amendments thereto, and an annual identification card renewal pursuant to K.S.A. 2010 Supp. 8-1325a, and amendments thereto; and

(ix) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.

(B) The staff of the facility shall give one copy of the form to the person, within seven days, and shall send two copies of the form provided by subsection (2)(A)(v) to the Kansas bureau of investigation, which shall
then forward one copy to the law enforcement agency having jurisdiction where the person expects to reside upon discharge, parole or release. The Kansas bureau of investigation must immediately ensure that such information is entered in the state law enforcement record system. The Kansas bureau of investigation shall transmit such conviction data and fingerprints to the federal bureau of investigation.

(b)(1) Any offender who is released on probation, receives a suspended sentence, sentenced to community corrections or released on postrelease supervision because of the commission of any crime as provided in subsection (a), (b) or (d) of K.S.A. 22-4902 and amendments thereto, prior to release, shall be informed of the offender’s duty to register as provided in this act by the court in which the offender is convicted.

(2) (A) The court shall: (i) Explain the duty to register and the procedure for registration;

(ii) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(iii) inform the offender that the offender must give written notice of any change of address within 14 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(iv) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 14 days of such change in residence;

(v) inform the offender that the offender must also register in any state or county where the offender is employed, carries on a vocation or is a student;

(vi) inform the offender that if the offender expects to or subsequently becomes enrolled in any institution of higher education in the state of Kansas on a full-time or part-time basis or have any full-time or part-time employment at an institution of higher education in the state of Kansas, with or without compensation, for more than 14 days or for an aggregate period exceeding 30 days in one calendar year, the offender must provide written notice to the Kansas bureau of investigation within 14 days upon commencement of enrollment or employment;

(vii) inform the offender that if there is any change or termination in attendance or employment at an institution of higher education, the offender must provide written notice to the Kansas bureau of investigation within 14 days of the change or termination;

(viii) inform the offender of the requirement of an annual driver’s license renewal pursuant to K.S.A. 8-247, and amendments thereto, and an annual identification card renewal pursuant to K.S.A. 2010 Supp. 8-1325a, and amendments thereto; and

(ix) require the offender to read and sign the registration form which
shall include a statement that the requirements provided in this subsection have been explained to the offender.

(B) The court shall give one copy of the form to the person and, within seven days, shall send two copies of the form provided by subsection (2)(A)(v) to the Kansas bureau of investigation which shall then forward one copy to the law enforcement agency having jurisdiction where the person expects to reside upon release. The Kansas bureau of investigation must immediately ensure that such information is entered in the state law enforcement records system. The Kansas bureau of investigation shall transmit such conviction data and fingerprints to the federal bureau of investigation.

Any offender required to register as provided in the Kansas offender registration act shall:

(a) Except as otherwise provided in this subsection, register in person with the registering law enforcement agency within three business days of coming into any county or location of jurisdiction in which the offender resides or intends to reside, maintains employment or intends to maintain employment, or attends school or intends to attend school. Any such offender who cannot physically register in person with the registering law enforcement agency for such reasons including, but not limited to, incapacitation or hospitalization, as determined by a person licensed to practice medicine or surgery, shall be subject to verification requirements other than in-person registration, as determined by the registering law enforcement agency having jurisdiction;

(b) except as provided further, for any: (1) Sex offender, including a violent offender or drug offender who is also a sex offender, report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school; and (2) violent offender or drug offender, report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school, except that, at the discretion of the registering law enforcement agency, one of the four required reports may be conducted by certified letter. When utilized, the certified letter for reporting shall be sent by the registering law enforcement agency to the reported residence of the offender and shall require the offender to respond by returning the letter to the registering law enforcement agency within 10 days, by certified mail, indicating any changes in information as required for reporting in person. The offender shall be required to report once during the month of the offender’s birthday and every third, sixth and ninth month occurring before and after the month of the offender’s birthday. The registering law enforcement agency may determine the appropriate times and days for reporting by the offender, consistent with this subsection. Nothing contained in this subsection shall be construed to alleviate any offender from meeting the requirements prescribed in the Kansas offender registration act;
(c) provide the information required for registration as provided in K.S.A. 22-4907, and amendments thereto, and verify all information previously provided is accurate;

(d) if in the custody of a correctional facility or in the care or custody of any treatment facility, register with the correctional facility or treatment facility within three business days of initial care or custody and shall not be required to update such registration until released from care or custody, granted work release or otherwise allowed to leave the grounds of the correctional facility or treatment facility;

(e) notwithstanding subsections (a) and (b), if the offender is transient, report in person to the registering law enforcement agency of such county or location of jurisdiction in which the offender is physically present within three business days of arrival in the county or location of jurisdiction. Such offender shall be required to register in person with the registering law enforcement agency every 30 days, or more often at the discretion of the registering law enforcement agency. Such offender shall comply with the provisions of the Kansas offender registration act and, in addition, shall:

1. Provide a list of places where the offender has slept and otherwise frequented during the period of time since the last date of registration; and

2. provide a list of places where the offender may be contacted and where the offender intends to sleep and otherwise frequent during the period of time prior to the next required date of registration;

(f) if required by out of state law, register in any out of state jurisdiction, where the offender resides, maintains employment or attends school;

(g) register in person upon any commencement, change or termination of residence location, employment status, school attendance or other information as provided in K.S.A. 22-4907, and amendments thereto, within three days of such commencement, change or termination, to the registering law enforcement agency or agencies where last registered and provide written notice to the Kansas bureau of investigation;

(h) report in person to the registering law enforcement agency or agencies within three days of any change in name;

(i) if receiving inpatient treatment at any treatment facility, inform the treatment facility of the offender’s status as an offender and inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender’s presence at the treatment facility and the expected duration of the treatment;

(j) submit to the taking of an updated photograph by the registering law enforcement agency on each occasion when the offender registers with or reports to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or attends school. In addition, such offender shall submit to the taking of a photograph to document any changes in identifying characteristics, including, but not limited to, scars, marks and tattoos;

(k) remit payment to the sheriff’s office in the amount of $20 during the
month of the offender’s birthday and every third, sixth and ninth month occurring before and after the month of the offender’s birthday in each county in which the offender resides, maintains employment or is attending school. Notwithstanding other provisions herein, payment of this fee is not required:

(1) When an offender provides updates or changes in information or during an initial registration unless such updates, changes or initial registration is during the month of such offender’s birthday and every third, sixth and ninth month occurring before and after the month of the offender’s birthday;

(2) when an offender is transient and is required to register every 30 days, or more frequently as ordered by the registering law enforcement agency, except during the month of the offender’s birthday and every third, sixth and ninth month occurring before and after the month of the offender’s birthday; or

(3) if an offender has, prior to the required reporting and within the last three years, been determined to be indigent by a court of law, and the basis for that finding is recorded by the court;

(l) annually renew any driver’s license pursuant to K.S.A. 8-247, and amendments thereto, and annually renew any identification card pursuant to K.S.A. 2010 Supp. 8-1325a, and amendments thereto;

(m) if maintaining primary residence in this state, surrender all driver’s licenses and identification cards from other states, territories and the District of Columbia, except if the offender is presently serving and maintaining active duty in any branch of the United States military or the offender is an immediate family member of a person presently serving and maintaining active duty in any branch of the United States military;

(n) read and sign the registration form noting whether the requirements provided in this section have been explained to the offender; and

(o) notify the registering law enforcement agency in the jurisdiction of the offender’s residence and the Kansas bureau of investigation 21 days prior to any travel outside of the United States, or if under emergency circumstances, within three days of making travel arrangements.

Sec. 6. K.S.A. 2010 Supp. 22-4906 is hereby amended to read as follows: 22-4906. (a) Except as provided in subsection (d), any person required to register as provided in this act shall be required to register: (1) Upon the first conviction of a sexually violent crime as defined in subsection (c) of K.S.A. 22-4902, and amendments thereto, any offense as defined in subsection (a) of K.S.A. 22-4902, and amendments thereto, or any offense as defined in subsection (d) of K.S.A. 22-4902, and amendments thereto, if not confined, for a period of 10 years after conviction, or, if confined, for a period of 10 years after paroled, discharged or released, whichever date is most recent. The ten year period shall not apply to any person while the person is incarcerated in any jail or correctional facility. The ten year reg-
administration requirement does not include any time period when any person who is required to register under this act knowingly or willfully fails to comply with the registration requirement; or (2) upon a second or subsequent conviction for such person’s lifetime.

(b) Upon the first conviction, liability for registration terminates, if not confined, at the expiration of 10 years from the date of conviction, or, if confined, at the expiration of 10 years from the date of parole, discharge or release, whichever date is most recent. The ten-year period shall not apply to any person while the person is incarcerated in any jail or correctional facility. The ten-year registration requirement does not include any time period when any person who is required to register under this act knowingly or willfully fails to comply with the registration requirement. Liability for registration does not terminate if the convicted offender again becomes liable to register as provided by this act during that period.

(c) Any person who has been convicted of an aggravated offense shall be required to register for such person’s lifetime.

(d) Any person who has been convicted of any of the following offenses shall be required to register for such person’s lifetime:

(1) Aggravated human trafficking, as defined in K.S.A. 21-3417, and amendments thereto, if the victim is less than 14 years of age;

(2) rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in subsection (a)(3) of K.S.A. 21-3504, and amendments thereto;

(4) aggravated criminal sodomy, as defined in subsection (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto;

(5) promoting prostitution, as defined in K.S.A. 21-3513, and amendments thereto, if the prostitute is less than 14 years of age;

(6) sexual exploitation of a child, as defined in subsection (a)(5) or (a)(6) of K.S.A. 21-3516, and amendments thereto; or

(7) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of an offense defined in this subsection.

(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person’s lifetime.

(f) Any nonresident worker shall register for the duration of such person’s employment. The provisions of this subsection are in addition to subsections (a) and (b).

(g) Any nonresident student shall register for the duration of such person’s attendance at a school or educational institution as provided in this act. The provisions of this subsection are in addition to subsections (a) and (b).

(h) (1) Notwithstanding any other provisions of this section, a person who is adjudicated as a juvenile offender for an act which if committed by
an adult would constitute the commission of a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, and amendments thereto, shall be required to register until such person reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. The five-year period shall not apply to any person while that person is incarcerated in any jail, juvenile facility or correctional facility. The five-year registration requirement does not include any time period when any person who is required to register under this act knowingly or willfully fails to comply with the registration requirement.

(2) (A) A person who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, and amendments thereto, may, by the court:
   (i) Be required to register pursuant to the provisions of paragraph (1);
   (ii) Not be required to register if the judge, on the record, finds substantial and compelling reasons therefor; or
   (iii) Be required to register with the sheriff pursuant to K.S.A. 22-4904, and amendments thereto, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires the juvenile to register but such registration is not open to the public, the juvenile shall provide a copy of such court order to the sheriff at the time of registration. The sheriff shall forward a copy of such court order to the Kansas bureau of investigation.

   (B) If such juvenile offender violates a condition of release during the term of the conditional release, the judge may require the juvenile offender to register pursuant to paragraph (1).

   (3) Liability for registration does not terminate if the adjudicated offender again becomes liable to register as provided by this act during the required period.

   (4) The provisions of paragraph (2)(A)(ii) shall apply to adjudications on and after July 1, 2007, and retroactively to adjudications prior to July 1, 2007.

(a) (1) Except as provided in subsection (c), if convicted of any of the
following offenses, an offender’s duration of registration shall be, if
confined, 15 years after the date of parole, discharge or release, whichever
date is most recent, or, if not confined, 15 years from the date of conviction:

(A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or
subsection (a) of section 69 of chapter 136 of the 2010 Session Laws of
Kansas, and amendments thereto, when one of the parties involved is less
than 18 years of age;

(B) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or section
75 of chapter 136 of the 2010 Session Laws of Kansas, and amendments
thereto, when one of the parties involved is less than 18 years of age;

(C) Patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its
repeal, or section 231 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, when one of the parties involved is less than 18
years of age;

(D) Lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior
to its repeal, or section 77 of chapter 136 of the 2010 Session Laws of
Kansas, and amendments thereto, when one of the parties involved is less
than 18 years of age;

(E) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or
section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amend-
ments thereto;

(F) Murder in the first degree, as defined in K.S.A. 21-3401, prior to
its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto;

(G) Murder in the second degree, as defined in K.S.A. 21-3402, prior
to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of
Kansas, and amendments thereto;

(H) Voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its
repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto;

(I) Involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its
repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto;

(J) Criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal,
or section 46 of chapter 136 of the 2010 Session Laws of Kansas, and
amendments thereto, except by a parent, and only when the victim is less
than 18 years of age;

(K) Any act which at the time of sentencing for the offense has been
determined beyond a reasonable doubt to have been sexually motivated,
unless the court, on the record, finds that the act involved non-forcible
sexual conduct, the victim was at least 14 years of age and the offender
was not more than four years older than the victim;

(L) Conviction of any person felony and the court makes a finding on
the record that a deadly weapon was used in the commission of such person
felony;
unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined in K.S.A. 65-4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, and amendments thereto;

possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by subsection (a) of K.S.A. 65-7006, prior to its repeal or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and amendments thereto;

K.S.A. 65-4161, prior to its repeal, or subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto; or

any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.

except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 15 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

except as provided in subsection (c), if convicted of any of the following offenses, an offender’s duration of registration shall be, if confined, 25 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 25 years from the date of conviction:

(A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(B) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;

(H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or subsection (b) of section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the prostitute is 14 or more years of age but less than 18 years of age; or

(J) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(c) Upon a second or subsequent conviction of an offense requiring registration, an offender’s duration of registration shall be for such offender’s lifetime.

(d) The duration of registration for any offender who has been convicted of any of the following offenses shall be for such offender’s lifetime:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of section 61 of chapter 136 of the 2010
Session Laws of Kansas, and amendments thereto, if the victim is less than 18 years of age:

(7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the victim is less than 14 years of age;

(8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the prostitute is less than 14 years of age;

(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(11) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.

(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person’s lifetime.

(f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the
conditional release, the court may require such offender to register pursuant to paragraph (1).

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall:

1. Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

2. not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

3. require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be required to register for such offender’s lifetime.

(i) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act for an offense that would not otherwise require registration as provided in subsection (a)(5) of K.S.A. 22-4902, and amendments thereto, then all provisions of the Kansas offender registration act shall apply, ex-
cept that the duration of registration shall be controlled by such diversion
ary agreement, probation order or juvenile offender sentencing order.

(j) The duration of registration does not terminate if the convicted or
adjudicated offender again becomes liable to register as provided by the
Kansas offender registration act during the required period of registration.

(k) For any person moving to Kansas who has been convicted or ad-
judicated in an out of state court, and who was required to register under
an out of state law, the duration of registration shall be the length of time
required by the out of state jurisdiction or by the Kansas offender registra-
tion act, whichever length of time is longer. The provisions of this subsection
shall apply to convictions prior to June 1, 2006, and to persons who
moved to Kansas prior to June 1, 2006, and to convictions on or after June
1, 2006, and to persons who moved to Kansas on or after June 1, 2006.

(l) For any person residing, maintaining employment or attending
school in this state who has been convicted or adjudicated by an out of
state court of an offense that is comparable to any crime requiring regis-
tration pursuant to the Kansas offender registration act, but who was not
required to register in the jurisdiction of conviction, the duration of reg-
istration shall be the duration required for the comparable offense pursuant
to the Kansas offender registration act. The duration of registration shall
begin upon establishing residency, beginning employment or beginning
school.

Sec. 7. K.S.A. 2010 Supp. 22-4907 is hereby amended to read as fol-
lows: 22-4907. (a) Registration as required by this the Kansas offender
registration act shall consist of a form approved by the Kansas
bureau of investigation, which shall include a statement that the require-
ments provided in this section have been reviewed and explained to the
person offender, and shall be signed by the person offender and, except
when such reporting is conducted by certified letter as provided in subsec-
tion (b) of K.S.A. 22-4905, and amendments thereto, witnessed by the per-
son registering the offender. Such registration form shall include the fol-
lowing offender information:

(1) Name and all alias names;

(2) date and place of birth, city, state and country of birth, and any alias
dates or places of birth;

(3) title and statute number of each offense or offenses committed, date
of each conviction or convictions obtained adjudication and court case
numbers for each conviction or adjudication;

(4) city, county, state or county country of conviction or convictions
obtained adjudication;

(5) sex and age date of birth or purported age of each victim of all
offenses requiring registration;

(6) current residential address, any anticipated future residence and
any temporary lodging information including, but not limited to, address,
telephone number and dates of travel for any place in which the offender is staying for seven or more days; and, if transient, the locations where the offender has stayed and frequented since last reporting for registration;

(7) all telephone numbers at which the offender may be contacted including, but not limited to, all mobile telephone numbers;

(7) social security number, and all alias social security numbers;

(8) identifying characteristics such as race, ethnicity, skin tone, sex, age, height, weight, hair and eye color, scars, tattoos and blood type;

(9) occupation and name, address or addresses and telephone number of employer or employers, and name of any anticipated employer and place of employment;

(10) drivers license and all current driver’s licenses or identification cards, including a photocopy of all such driver’s licenses or identification cards and their numbers, states of issuance and expiration dates;

(11) all vehicle information, including the license plate number, registration number of each license plate assigned to any motor vehicle normally operated by the offender and any other identifier and description of any vehicle owned or operated by the offender, or any vehicle the offender regularly drives, either for personal use or in the course of employment, and information concerning the location or locations such vehicle or vehicles are habitually parked or otherwise kept;

(12) license plate number, registration number or other identifier and description of any aircraft or watercraft owned or operated by the offender, and information concerning the location or locations such aircraft or watercraft are habitually parked, docked or otherwise kept;

(13) all professional licenses, designations and certifications;

(14) documentation of any treatment received for a mental abnormality or personality disorder of the offender; for purposes of documenting the treatment received, sheriffs, prison officials and courts registering law enforcement agencies, correctional facility officials, treatment facility officials and courts may rely on information that is readily available to them from existing records and the offender;

(15) anticipated future residence;

(16) a photograph or photographs;

(17) fingerprints and palm prints;

(18) school; and any and all schools and satellite schools attended or expected to be attended and the locations of attendance and telephone number;

(19) any and all e-mail addresses and, any and all online identities used by the offender on the internet; and any information relating to membership in any online social networks;

(20) all travel and immigration documents; and

(21) name and telephone number of the offender’s probation, parole or community corrections officer.

(b) The offender shall also provide to the registering law enforce-
ment agency DNA exemplars, unless already on file at the Kansas bureau of investigation.

(2) If the exemplars to be taken require the withdrawal of blood, such withdrawal may be performed only by:

(A) A person licensed to practice medicine and surgery, or a person acting under the supervision of any such licensed person;
(B) a registered nurse or a licensed practical nurse;
(C) any qualified medical technician; or
(D) a licensed phlebotomist.

(c) Unless the person has provided the information and completed and signed the registration form as provided in K.S.A. 22-4905, and amendments thereto, within seven days, the registering law enforcement agency shall forward the registration form to the Kansas bureau of investigation.

(d) The Kansas bureau of investigation may participate in the federal bureau of investigation's NCIC-2000.

Sec. 8. K.S.A. 22-4908 is hereby amended to read as follows: 22-4908. No person required to register as an offender pursuant to the Kansas offender registration act shall be granted an order relieving the offender of further registration under this act. This section shall include any person with any out of state conviction or adjudication for an offense that would require registration under the laws of this state.

Sec. 9. K.S.A. 22-4909 is hereby amended to read as follows: 22-4909.
(a) Except as prohibited by subsection (b) subsections (c) and (d) of this section and subsections (e) and (f) of K.S.A. 22-4906, and amendments thereto, the statements or any other information required by this the Kansas offender registration act shall be open to inspection by the public at the sheriff's office registering law enforcement agency, at the headquarters of the Kansas bureau of investigation and on any internet website sponsored or created by a sheriff's department registering law enforcement agency or the Kansas bureau of investigation that contains such statements or information, and specifically are subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, except that the name, address, telephone number, or any other information which specifically and individually identifies the victim of any offender required to register as provided in this act shall not be disclosed other than to law enforcement agencies.
(b) Any information posted on an internet website sponsored or created by a sheriff's office registering law enforcement agency or the Kansas bureau of investigation shall identify, in a prominent manner, whether an offender is or is not a sex offender, a violent offender or a drug offender. Such internet websites shall include the following information for each offender:

(1) Name of the offender, including any aliases;
(2) address of each residence at which the offender resides or will reside
and, if the offender does not have any present or expected residence address, other information about where the offender has their home or habitually lives. If current information of this type is not available because the offender is in violation of the requirement to register or cannot be located, the website must so note:

3. temporary lodging information;

4. address of any place where the offender is an employee or will be an employee and, if the offender is employed but does not have a definite employment address, other information about where the offender works;

5. address of any place where the offender is a student or will be a student;

6. license plate number and a description of any vehicle owned or operated by the offender, including any aircraft or watercraft;

7. physical description of the offender;

8. the offense or offenses for which the offender is registered and any other offense for which the offender has been convicted or adjudicated;

9. a current photograph of the offender; and

10. all professional licenses, designations and certifications.

(c) Notwithstanding subsection (a), pursuant to a court finding petitioned by the prosecutor, any offender who is required to register pursuant to the Kansas offender registration act, but has been provided a new identity and relocated under the federal witness security program or who has worked as a confidential informant, or is otherwise a protected witness, shall be required to register pursuant to the Kansas offender registration act, but shall not be subject to public registration.

(d) Notwithstanding subsection (a), the following information shall not be disclosed other than to law enforcement agencies:

1. The name, address, telephone number or any other information which specifically and individually identifies the identity of any victim of a registerable offense;

2. the social security number of the offender;

3. the offender’s criminal history arrests that did not result in convictions;

4. travel and immigration document numbers of the offender; and

5. internet identifiers of the offender.

(c) The state department of education shall annually notify any school upon which is located a 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 grades one through 12 of the Kansas bureau of investigation internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the school is located for the purposes of locating offenders who reside near such school.

(d) The secretary of health and environment shall annually notify any licensed child care facility of the Kansas bureau of investigation internet
website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the facility is located for the purposes of locating offenders who reside near such facility.

(e) Such notification required in subsections (c) and (d) shall include information that the sheriff of the county where such school or child care facility is located is available to the school and child care facilities to assist in using the registry and providing additional information on the registered offenders.

Sec. 10. K.S.A. 22-4911 is hereby amended to read as follows: 22-4911. Nothing in the Kansas offender registration act shall create a cause of action against the state or an employee of the state acting within the scope of the employee’s employment as a result of requiring an offender to register or an offender’s failure to register. This includes, but is not limited to, the person or persons assigned to a registering law enforcement agency to register offenders, and the person or persons assigned to enter all offender information required by the national crime information center into the national sex offender registry system.

Sec. 11. K.S.A. 2010 Supp. 22-4913 is hereby amended to read as follows: 22-4913. (a) Except as provided in subsection (b), on and after the effective date of this act June 1, 2006, cities and counties shall be prohibited from adopting or enforcing any ordinance, resolution or regulation establishing residential restrictions for offenders as defined by K.S.A. 22-4902, and amendments thereto.

(b) The prohibition in subsection (a), shall not apply to any city or county residential licensing or zoning program for correctional placement residences that includes regulations for the housing of such offenders.

(c) As used in this section, “correctional placement residence” means a facility that provides residential services for individuals or offenders who reside or have been placed in such facility due to any one of the following situations:

(1) Prior to, or instead of, being sentenced to prison;
(2) received as a conditional release prior to a hearing;
(3) as a part of a sentence of confinement of not more than one year;
(4) in a privately operated facility housing parolees;
(5) received as a deferred sentence and when placed in a facility operated by community corrections;
(6) required as a requirement of court-ordered treatment services for alcohol or drug abuse; or
(7) as part of voluntary treatment services for alcohol or drug abuse.

Correctional placement residence shall not include a single or multi-family dwelling or commercial residential building that provides a residence to staff and persons other than those described in paragraphs (1) through (7).
Sec. 12. K.S.A. 2010 Supp. 38-2312 is hereby amended to read as follows: 38-2312. (a) Except as provided in subsection (b) and (c), any records or files specified in this code concerning a juvenile may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile’s parent or next friend.

(b) There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the first degree, K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the second degree, K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, voluntary manslaughter, K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, involuntary manslaughter, K.S.A. 21-3439, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, capital murder, K.S.A. 21-3442, prior to its repeal, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, rape, K.S.A. 21-3503, prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent liberties with a child, K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated criminal sodomy, K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent solicitation of a child, K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, sexual exploitation, K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated incest, K.S.A. 21-3608, prior to its repeal, or subsection (a) of section 78 of the 2010 Session Laws of Kansas, and amendments thereto, endangering a child, K.S.A. 21-3608a, prior to its repeal, or subsection (b) of section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated endangering a child, K.S.A. 21-3609, prior to its repeal, or section 79 of
(c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender’s criminal record while the offender is required to register as provided in the Kansas offender registration act.

(d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile’s full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile’s sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100.

On and after the effective date of this act through June 30, 2011, the supreme court may impose a charge, not to exceed $15 per case, to fund the costs of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:
   (A) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;
   (B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and
   (C) the circumstances and behavior of the petitioner warrant expungement.

(2) The court may require that all court costs, fees and restitution shall be paid.

(f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall
be limited to inspection by the person who is the subject of the files or records and the person’s designees.

(g) Copies of any order made pursuant to subsection (a) or (c) shall be sent to each public officer and agency in the county having possession of any records or files ordered to be expunged. If the officer or agency fails to comply with the order within a reasonable time after its receipt, the officer or agency may be adjudged in contempt of court and punished accordingly.

(h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.

(j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

(k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:

1. The person whose record was expunged;
2. A private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. A court, upon a showing of a subsequent conviction of the person whose record has been expunged;
4. The secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
5. A person entitled to such information pursuant to the terms of the expungement order;
6. The Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
7. The governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director.
of the commission or for licensure, renewal of licensure or continued li-
censure by the commission; or

(8) the Kansas sentencing commission.

Sec. 13. Section 254 of chapter 136 of the 2010 Session Laws of Kan-
sas is hereby amended to read as follows: Sec. 254. (a) (1) Except as pro-
vided in subsections (b), (c) and (d), any person convicted in this state of
a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class
D or E felony, or for crimes committed on or after July 1, 1993, nondrug
crimes ranked in severity levels 6 through 10 or any felony ranked in se-
verity level 4 of the drug grid, may petition the convicting court for the
expungement of such conviction or related arrest records if three or more
years have elapsed since the person: (A) Satisfied the sentence imposed; or
(B) was discharged from probation, a community correctional services pro-
gram, parole, postrelease supervision, conditional release or a suspended
sentence.

(2) Except as provided in subsections (b) and (c) and (d), any person
who has fulfilled the terms of a diversion agreement may petition the district
court for the expungement of such diversion agreement and related arrest
records if three or more years have elapsed since the terms of the diversion
agreement were fulfilled.

(b) Except as provided in subsection (c) and (d), no person may petition
for expungement until five or more years have elapsed since the person
satisfied the sentence imposed, the terms of a diversion agreement or was
discharged from probation, a community correctional services program,
parole, postrelease supervision, conditional release or a suspended sentence,
if such person was convicted of a class A, B or C felony, or for crimes
committed on or after July 1, 1993, if convicted of an off-grid felony or
any nondrug crime ranked in severity levels 1 through 5 or any felony
ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its
repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, or as prohibited by any law of another state which
is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public
highways of this state has been canceled, suspended or revoked, as prohib-
ited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law
of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amend-
ments thereto, or resulting from the violation of a law of another state which
is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and
amendments thereto, relating to fraudulent applications or violating the pro-
visions of a law of another state which is in substantial conformity with
that statute;
(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;
(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;
(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or
(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(2) indecent liberties with a child or aggravated indecent liberties with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(8) endangering a child or aggravated endangering a child as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(10) capital murder as defined in K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(11) murder in the first degree as defined in K.S.A. 21-3401, prior to
its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(12) murder in the second degree as defined in K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(17) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to the effective date of this act July 1, 2011, that is comparable to any offense as provided in this subsection.

(d) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender’s criminal record while the offender is required to register as provided in the Kansas offender registration act.

(e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant’s full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant’s current name;

(C) defendant’s sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant’s arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided further, there shall be no docket fee for filing a petition pursuant to this section by law, a petition for expunge-
ment shall be accompanied by a docket fee in the amount of $100. On and after July 1, 2009 through June 30, 2010, the supreme court may impose a charge, not to exceed $15 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(e) (f) At the hearing on the petition, the court shall order the petitioner’s arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement;

(3) the expungement is consistent with the public welfare.

(f) (g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2009 2010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
(C) to aid in determining the petitioner’s qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
(D) to aid in determining the petitioner’s qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
(E) to aid in determining the petitioner’s qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;
(F) upon application for a commercial driver’s license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
(G) to aid in determining the petitioner’s qualifications to be an employee of the state gaming agency;
(H) to aid in determining the petitioner’s qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;
(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
(K) for applications received on and after July 1, 2006, to aid in determining the petitioner’s qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2009 Supp. 75-7c01 et seq., and amendments thereto;
(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;
(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and
(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is
granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

\( (i) \) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

\( (j) \) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

\( (1) \) The person whose record was expunged;

\( (2) \) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

\( (3) \) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

\( (4) \) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

\( (5) \) a person entitled to such information pursuant to the terms of the expungement order;

\( (6) \) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

\( (7) \) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

\( (8) \) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers’ standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.

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

Approved May 25, 2011.

CHAPTER 96
House Substitute for SENATE BILL No. 63

AN ACT concerning civil procedure; relating to electronic filing; relating to forfeiture; amending K.S.A. 60-426, 60-2601 and 60-2601a and K.S.A. 2010 Supp. 60-3003, 60-4107 and 60-4109 and repealing the existing sections.

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

New Section 1. The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

(a) Disclosure made in a court or agency proceeding; scope of waiver. When the disclosure is made in a court or agency proceeding and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in any proceeding only if:

(1) The waiver is intentional;
(2) the disclosed and undisclosed communications or information concern the same subject matter; and
(3) they ought in fairness be considered together.

(b) Inadvertent disclosure. When made in a court or agency proceeding, the disclosure does not operate as a waiver in any proceeding if:

(1) The disclosure is inadvertent;
(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and
(3) the holder promptly took reasonable steps to rectify the error, including, if applicable, following subsection (b)(7)(B) of K.S.A. 60-226, and amendments thereto.

(c) Disclosure made in a non-Kansas proceeding. When the disclosure is made in a non-Kansas proceeding and is not the subject of a court order concerning waiver, the disclosure does not operate as a waiver in a Kansas proceeding if the disclosure:

(1) Would not be a waiver under this section if it had been made in a Kansas proceeding; or
(2) is not a waiver under the law of the jurisdiction where the disclosure occurred.

(d) Controlling effect of a court order. A court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court, in which event the disclosure is also not a waiver in any other proceeding.
(e) Controlling effect of a party agreement. An agreement on the effect of disclosure in a proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

(f) Definitions. As used in this section:

(1) “Attorney-client privilege” means the protection that applicable law provides for confidential attorney-client communications.

(2) “Work-product protection” means the protection that applicable law provides for tangible material, or its intangible equivalent, prepared in anticipation of litigation or for trial.

Sec. 2. K.S.A. 60-426 is hereby amended to read as follows: 60-426.

(a) General rule. Subject to K.S.A. 60-437, and amendments thereto, and except as otherwise provided by subsection (b), of this section communications found by the judge to have been between lawyer and his or her such attorney’s client in the course of that relationship and in professional confidence, are privileged, and a client has a privilege: (1) If he or she such client is the witness, to refuse to disclose any such communication, and (2) to prevent his or her lawyer such client’s attorney from disclosing it; and (3) to prevent any other witness from disclosing such communication if it came to the knowledge of such witness (i) in the course of its transmittal between the client and the lawyer attorney, or (ii) in a manner not reasonably to be anticipated by the client, or (iii) as a result of a breach of the lawyer-client attorney-client relationship. The privilege may be claimed by the client in person or by his or her lawyer such client’s attorney, or if an incapacitated person, by either his or her such person’s guardian or conservator, or if deceased, by his or her such person’s personal representative.

(b) Exceptions. Such privileges shall not extend to a communication: (1) to a communication if the judge finds that sufficient evidence, aside from the communication, has been introduced to warrant a finding that the legal service was sought or obtained in order to enable or aid the commission or planning of a crime or a tort, or (2) to a communication relevant to an issue between parties all of whom claim through the client, regardless of whether the respective claims are by testate or intestate succession or by inter vivos transaction, or (3) to a communication relevant to an issue of breach of duty by the lawyer attorney to his or her such attorney’s client, or by the client to his or her lawyer, or such client’s attorney; (4) to a communication relevant to an issue concerning an attested document of which the lawyer attorney is an attesting witness; or (5) to a communication relevant to a matter of common interest between two or more clients if made by any of them to a lawyer an attorney whom they have retained in common when offered in an action between any of such clients.

(c) Definitions. As used in this section:

(1) “Client” means a person or corporation or other association that, directly or through an authorized representative, consults a lawyer an at-
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(1) "Communication" includes advice given by the lawyer or the lawyer's representative in the course of representing the client and includes disclosures of the client to a representative, associate or employee of the lawyer incidental to the professional relationship.

(2) "lawyer Attorney" means a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation the law of which recognizes a privilege against disclosure of confidential communications between client and lawyer.

Sec. 3. K.S.A. 60-2601 is hereby amended to read as follows: 60-2601.
(a) General powers and duties. In the performance of their duties all clerks of record shall be under the direction of the court.
(b) Dockets. Subject to the provisions of K.S.A. 60-2601a, and amendments thereto, the clerk of the court shall keep the following dockets or other records which may be ordered by the court in the following manner:
(1) Appearance docket. The clerk shall keep one or more appearance dockets and enter each civil action in the docket. Actions within each appearance docket shall be assigned consecutive file numbers. The file number of each action shall be noted on the docket on which the first entry of the action is made. All papers filed with the clerk, all process issued and returns made and, all appearances, orders, verdicts and judgments shall be noted chronologically on the appearance docket. These notations shall be brief but shall show the nature of each paper filed or writ issued and the substance of each order or judgment of the court and of the returns showing execution of process.

(2) General index. The general index shall be kept in a form in which names are arranged in alphabetical order. Plaintiffs, petitioners, defendants and respondents shall be listed as well as the case file number.
(c) Issuance of writs and orders. All writs and orders for provisional remedies shall be issued by the clerks of the several courts, upon praecipes filed with the clerk, demanding the writs and orders.
(d) Filing and preservation of papers. Except as otherwise provided by law, it is the duty of the clerk of each of the courts to file together and carefully preserve in the office of the clerk all papers delivered to the clerk for that purpose, in every action or special proceeding. The clerk shall keep the papers separate in each case, carefully enveloped in a wrapper or folder labeled with the title of the cause. Orders and journal entries requiring the signature of the judge shall have the date and time of day stamped on them by the clerk immediately upon receipt of the signed order or journal entry.
and the clerk or deputy shall initial the stamp. The clerk shall stamp on all
other filed papers, the date and time of day of receiving them and initial
the stamp. The date and time of receipt of filings received by the clerk shall
be recorded.

Sec. 4. K.S.A. 60-2601a is hereby amended to read as follows: 60-2601a. In any county which has a computer information storage and re-
trieval system for the use of the clerk of the district court of such county,
the records and information required to be maintained in the dockets and
journals under the provisions of subsections subsection (b) (1), (2), (3), and
(4) of K.S.A. 60-2601, and amendments thereto, may, upon order of the
chief judge of such supreme court, be maintained in such computer inform-
ation storage and retrieval system. The clerk of the district court of such
county shall be charged with the responsibility of making such records and
information maintained in such computer information storage and retrieval
system accessible to the public during normal working hours.

Sec. 5. K.S.A. 2010 Supp. 60-3003 is hereby amended to read as fol-
lows: 60-3003. (a) At the time of the filing of the foreign judgment, the
judgment creditor or the judgment creditor’s lawyer attorney shall make
and file with the clerk of the district court an affidavit setting forth the name
and last known post office address of the judgment debtor, and the judgment
creditor.

(b) Promptly upon the filing of the foreign judgment and the affidavit,
the judgment creditor or the judgment creditor’s lawyer attorney shall mail
notice of the filing of the foreign judgment to the judgment debtor at the
address given. The notice shall include the name and post office address of
the judgment creditor and the judgment creditor’s lawyer attorney, if any,
in this state. In addition, the judgment creditor may mail a notice of the
filing of the judgment to the clerk of the district court and may file proof
of mailing with the clerk of the district court.

Sec. 6. K.S.A. 2010 Supp. 60-4107 is hereby amended to read as fol-
lows: 60-4107. (a) Property may be seized for forfeiture by a law enforce-
ment officer upon process issued by the district court. The court may issue
a seizure warrant on an affidavit under oath demonstrating that probable
cause exists for the property’s forfeiture or that the property has been the
subject of a previous final judgment of forfeiture in the courts of any state
or of the United States. The court may order that the property be seized on
such terms and conditions as are reasonable in the discretion of the court.
The order may be made on or in connection with a search warrant. All real
property is to be seized constructively or pursuant to a preseizure adversarial
judicial determination of probable cause, except that this determination may
be done ex parte when the attorney for the state has demonstrated exigent
circumstances to the court.

(b) Property may be seized for forfeiture by a law enforcement officer
without process on probable cause to believe the property is subject to
forfeiture under this act.

(c) Property may be seized constructively by:
(1) Posting notice of seizure for forfeiture or notice of pending forfei-
ture on the property.
(2) Giving notice pursuant to K.S.A. 60-4109, and amendments thereto.
(3) Filing or recording in the public records relating to that type of
property notice of seizure for forfeiture, notice of pending forfeiture, a
forfeiture lien or a lis pendens. Filings or recordings made pursuant to this
act are not subject to a filing fee or other charge, except that court costs
may be assessed and, if assessed, shall include the amount of the docket
fee prescribed by K.S.A. 60-2001, and amendments thereto, and any ad-
ditional court costs accrued in the action.

d) The seizing agency shall make reasonable effort to provide notice
of the seizure to the person from whose possession or control the property
was seized and any interest holder of record within 30 days of seizing the
property. If no person is in possession or control, the seizing agency may
attach the notice to the property or to the place of the property’s seizure or
may make a reasonable effort to deliver the notice to the owner of the
property. The notice shall contain a general description of the property
seized, the date and place of seizure, the name of the seizing agency and
the address and telephone number of the seizing officer or other person or
agency from whom information about the seizure may be obtained.

e) A person who acts in good faith and in a reasonable manner to
comply with an order of the court or a request of a law enforcement officer
is not liable to any person on account of acts done in reasonable compliance
with the order or request. No liability may attach from the fact that a person
declines a law enforcement officer’s request to deliver property.

(f) A possessory lien of a person from whose possession property is
seized is not affected by the seizure.

(g) When property is seized for forfeiture under this act, the seizing
agency shall, within 45 days of such seizure, forward to the county or
district attorney in whose jurisdiction the seizure occurred, a written request
for forfeiture which shall include a statement of facts and circumstances of
the seizure, the estimated value of the property, the owner and lienholder
of the property, the amount of any lien, and a summary of the facts relied
on for forfeiture.

(h) Upon receipt of a written request for forfeiture from a local law
enforcement agency, the county or district attorney shall have 14 days to
accept the request. Should such county or district attorney decline such
request, or fail to answer, the seizing agency may:
(1) Request a state law enforcement agency which enforces this act to
adopt the forfeiture; or
(2) engage an attorney, approved by the county or district attorney, to
represent the agency in the forfeiture proceeding.
(i) Upon receipt of a written request for forfeiture from a state law enforcement agency, the county or district attorney shall have 14 days to accept the request. Should such county or district attorney decline such request, or fail to answer, the seizing agency may engage an assistant attorney general or other attorney approved by the attorney general’s office to represent the agency in the forfeiture proceeding.

(j) Nothing in this act shall prevent the attorney general, an employee of the attorney general or an authorized representative of the attorney general from conducting forfeiture proceedings under this act.

(k) Nothing in this act shall prevent a seizing agency from requesting federal adoption of a seizure. It shall not be necessary to obtain any order pursuant to K.S.A. 22-2512, and amendments thereto, to release any seized property to a federal agency should the county or district attorney approve of such transfer.

(l) Nothing in this act shall prevent a seizing agency, or the plaintiff’s attorney on behalf of the seizing agency, from settling any alleged forfeiture claim against property before or during forfeiture proceedings. Such settlement shall be in writing and shall be approved, if a local agency, by the county or district attorney or, if a state agency, by the attorney general’s office and a district court judge. No hearing or other proceeding shall be necessary. The records of settlements occurring prior to commencement of judicial forfeiture proceedings in the district court shall be retained by the county or district attorney for not less than five years.

(m) Settlements under this act shall not be conditioned upon any disposition of criminal charges.

Sec. 7. K.S.A. 2010 Supp. 60-4109 is hereby amended to read as follows: 60-4109. (a) Forfeiture proceedings shall be commenced by filing a notice of pending forfeiture or a judicial forfeiture action:

(1) If the plaintiff’s attorney fails to initiate forfeiture proceedings by notice of pending forfeiture within 90 days against property seized for forfeiture or if the seizing agency fails to pursue forfeiture of the property upon which a proper claim has been timely filed by filing a judicial forfeiture proceeding within 90 days after notice of pending forfeiture, the property shall be released on the request of an owner or interest holder to such owner’s or interest holder’s custody, as custodian for the court, pending further proceedings pursuant to this act. Such custodianship shall not exceed 90 days following the release to the owner or interest holder unless an extension is authorized by the court for good cause shown.

(2) If, after notice of pending forfeiture, a claimant files a petition for recognition of exemption pursuant to K.S.A. 60-4110, and amendments thereto, the plaintiff’s attorney may delay filing the judicial forfeiture proceeding for a total of 180 days after the notice of pending forfeiture except that if an interest holder timely files a proper petition documenting the complete nature and extent of such holder’s interest, including all of the
contractual terms and current status, the plaintiff’s attorney may delay filing a judicial forfeiture proceeding only if such attorney provides each such petitioner with a written recognition of exemption within 60 days after the effective date of the notice of pending forfeiture, recognizing the interest of such petitioner to the extent of documented outstanding principal plus interest at the contract rate until paid and any attorney fees ordered by a court pursuant to such contract.

(3) Whenever notice of pending forfeiture or service of an in rem complaint or notice of a recognition of exemption and statement of nonexempt interests is required under this act, notice or service shall be given in accordance with one of the following:

(A) If the owner’s or interest holder’s name and current address are known, by either personal service by any person qualified to serve process or by any law enforcement officer or by mailing a copy of the notice by certified mail, return receipt requested, to the known address;

(B) if the owner’s or interest holder’s name and address are required by law to be on record with a municipal, county, state or federal agency to perfect an interest in the property, and the owner’s or interest holder’s current address is not known, by mailing a copy of the notice by certified mail, return receipt requested, to any address of record with any of the described agencies; or

(C) if the owner’s or interest holder’s address is not known and is not on record as provided in paragraph (B), or the owner’s or interest holder’s interest is not known, by publication in one issue of the official county newspaper, as defined by K.S.A. 64-101, and amendments thereto, in the county in which the seizure occurred.

(4) Notice is effective upon personal service, publication or the mailing of a written notice, whichever is earlier, except that notice of pending forfeiture of real property is not effective until it is recorded. Notice of pending forfeiture shall include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged and a summary of procedures and procedural rights applicable to the forfeiture action.

(b) The plaintiff’s attorney, without a filing fee, may file a lien for the forfeiture of property upon the initiation of any civil or criminal proceeding relating to conduct giving rise to forfeiture under this act or upon seizure for forfeiture. Court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action. A plaintiff’s attorney may also file a forfeiture lien in this state in connection with a proceeding or seizure for forfeiture in any other state under a state or federal statute substantially similar to the relevant provisions of this act. The filing constitutes notice to any person claiming an interest in the seized property or in property owned by the named person.

(1) The lien notice shall set forth the following:
(A) The name of the person and, in the discretion of the lienor, any alias, or the name of any corporation, partnership, trust or other entity, including nominees, that are owned entirely or in part or controlled by the person; and

(B) the description of the seized property, the criminal or civil proceeding that has been brought relating to conduct giving rise to forfeiture under this act, the amount claimed by the lienor, the name of the district court where the proceeding or action has been brought, and the case number of the proceeding or action if known at the time of filing.

(2) A lien filed pursuant to this subsection applies to the described seized property or to one named person, any aliases, fictitious names, or other names, including the names of any corporation, partnership, trust, or other entity, owned entirely or in part, or controlled by the named person, and any interest in real property owned or controlled by the named person. A separate forfeiture lien shall be filed for each named person.

(3) The notice of lien creates, upon filing, a lien in favor of the lienor as it relates to the seized property or the named person or related entities. The lien secures the amount of potential liability for civil judgment, and if applicable, the fair market value of seized property relating to all proceedings under this act enforcing the lien. The notice of forfeiture lien referred to in this subsection shall be filed in accordance with the provisions of the laws of this state relating to the type of property that is subject to the lien. The validity and priority of the forfeiture lien shall be determined in accordance with applicable law pertaining to liens. The lienor may amend or release, in whole or in part, a lien filed under this subsection at any time by filing, without a filing fee, an amended lien in accordance with this subsection which identifies the lien amended. The lienor, as soon as practical after filing the lien, shall furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection shall not invalidate or otherwise affect the lien.

(4) Upon entry of judgment in the seizing agency’s favor, the seizing agency may proceed to execute on the lien as provided by law.

(5) A trustee, constructive or otherwise, who has notice that a notice of forfeiture lien, or a notice of pending forfeiture, or a civil forfeiture proceeding has been filed against the property or against any person or entity for whom the person holds title or appears as record owner, shall furnish within 14 days, to the seizing agency or the plaintiff’s attorney all of the following information, unless all of the information is of record in the public records giving notice of liens on that type of property:

(A) The name and address of each person or entity for whom the property is held;

(B) the description of all other property whose legal title is held for the benefit of the named person; and

(C) a copy of the applicable trust agreement or other instrument, if any,
under which the trustee or other person holds legal title or appears as record
owner of the property.

(6) A trustee with notice who knowingly fails to comply with the pro-
visions of this subsection shall be guilty of a class B nonperson misde-
meanor.

(7) A trustee with notice who fails to comply with paragraph (5) is
subject to a civil penalty of $100 for each day of noncompliance. The court
shall enter judgment ordering payment of $100 for each day of noncom-
pliance from the effective date of the notice until the required information
is furnished or the seizing agency executes the seizing agency’s judgment
lien under this section.

(8) To the extent permitted by the constitutions of the United States
and the state of Kansas, the duty to comply with paragraph (5) shall not be
excused by any privilege or provision of law of this state or any other state
or country which authorizes or directs that testimony or records required to
be furnished pursuant to paragraph (5) are privileged, confidential and oth-
erwise may not be disclosed.

(9) A trustee who furnishes information pursuant to paragraph (5) is
immune from civil liability for the release of the information.

(10) An employee of the seizing agency or the plaintiff’s attorney who
releases the information obtained pursuant to paragraph (5), except in the
proper discharge of official duties, is guilty of a class B nonperson misde-
meanor.

(11) If any information furnished pursuant to paragraph (5) is offered
in evidence, the court may seal that portion of the record or may order that
the information be disclosed in a designated way.

(12) A judgment or an order of payment entered pursuant to this section
becomes a judgment lien against the property alleged to be subject to for-
feiture.

60-3003, 60-4107 and 60-4109 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its
publication in the statute book.

Approved May 25, 2011.
CHAPTER 97
SENATE BILL No. 143


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

New Section 1. Sections 1 through 10, and amendments thereto, shall be known and may be cited as the postsecondary tiered technical education state aid act.

New Sec. 2. As used in sections 1 through 10, and amendments thereto:

(a) “Community college” means any community college established in accordance with chapter 71 of the Kansas Statutes Annotated.

(b) “Community college operating grant” means the operating grant provided for under subsection (a) of K.S.A. 71-620, and amendments thereto, prior to fiscal year 2012.

(c) (1) “Credit hour” means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered by an eligible institution at a postsecondary level not higher than those programs or courses normally offered to freshmen and sophomores in four-year public institutions of postsecondary education, in a program that has been approved by the state board.

(2) The term “credit hour” does not include instruction in a program or course taken by a student enrolled for audit or not for postsecondary credit, or in any program or course not approved by the state board.

(3) The state board shall determine whether the programs and courses offered are at the level of freshmen and sophomore programs and courses offered in the state educational institutions and shall not approve for funding any program or course offered at a higher level.

(d) “Eligible institution” or “institution” means any community college, technical college or the institute of technology.

(e) “Institute of technology,” “institute” or “Washburn institute of technology” means the institute of technology at Washburn university.

(f) “Non-tiered course” means any postsecondary credit-bearing course offered by an eligible institution and identified by the state board as not meeting the definition of a tiered technical course. Non-tiered courses include courses that are generally designed to: (1) Contribute to academic knowledge or skills across multiple disciplines and occupations, such as communication, writing, mathematics, humanities, social or behavioral sci-
ence and natural or physical science courses, some of which may be considered for transfer as general education credit toward a baccalaureate degree; (2) contribute to general knowledge or skills in areas such as critical thinking and reasoning, problem solving, use of technology and teamwork skills; (3) provide instruction in basic or foundational skills necessary for individuals to effectively participate in technical programs; (4) prepare individuals for certification or licensure exams or re-certifications and skill updates; or (5) allow individuals to explore various career opportunities.

Seminars, workshops or other courses that are supplemental to the primary instruction required for the occupationally specific technical program shall be considered non-tiered courses, unless otherwise specified by the state board.

(g) “State board of regents” or “state board” means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto.

(h) “Technical college” means a technical college designated pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-4477a, and amendments thereto.

(i) “Technical program” means any program of study comprised of a sequence of tiered technical courses and non-tiered courses, which program is identified by the state board as a technical program for funding purposes. Technical programs must: (1) Be designed to prepare individuals for gainful employment in current or emerging technical occupations requiring other than a baccalaureate or advanced degree; (2) lead to technical skill proficiency, an industry-recognized credential, a certificate or an associate degree; and (3) be delivered by an eligible institution.

(j) “Tiered technical course” means a postsecondary credit-bearing course included in the sequence of courses comprising a technical program, which course is itself designed to provide competency-based applied instruction to prepare individuals with occupationally specific knowledge and skills necessary for employment, and which the state board has identified as a tiered technical course.

(k) “Tiered technical course credit hour” means a credit hour in a tiered technical course.

(l) “Washburn institute of technology operating grant” means any legislative appropriation designated for non-tiered courses delivered by the Washburn institute of technology.

New Sec. 3. (a) In each fiscal year, commencing with the 2012 fiscal year, each community college, technical college and the Washburn institute of technology is eligible for postsecondary tiered technical education state aid from the state general fund for postsecondary tiered technical course credit hours approved by the state board and delivered by the institution to students who are residents of the state of Kansas, in an amount to be determined by the state board using a credit hour cost calculation model that:
(1) Is tiered to recognize and support cost differentials in providing high-demand, high-tech training; (2) takes into consideration target industries critical to the Kansas economy; (3) is responsive to program growth; (4) takes into consideration local taxing authority for credit hours generated by in-district students; and (5) includes other factors and considerations as deemed necessary or advisable by the state board. The state board shall establish the rates to be used as the state’s share in a given year, as well as in the actual distribution.

(b) For purposes of sections 1 through 10, and amendments thereto, residency for all community college students shall be determined in accordance with K.S.A. 71-406 and 71-407, and amendments thereto, and residency for all technical college and Washburn institute of technology students shall be determined in accordance with laws or policies applicable to those institutions.

(c) In fiscal year 2012, any portion of the appropriation for postsecondary tiered technical education state aid that an institution actually receives that is in excess of the amount of community college operating grant or postsecondary aid that the institution received for fiscal year 2011 shall be considered new state funds for purposes of K.S.A. 74-3202d, and amendments thereto.

New Sec. 4. In accordance with deadlines established and published by the state board of regents, the chief administrative officer of each eligible institution shall certify under oath to the state board any information the state board deems necessary to carry out the provisions of sections 1 through 10, and amendments thereto, in such form as required by the state board.

New Sec. 5. One-half of the distribution of the appropriation for postsecondary tiered technical education state aid shall be made on August 1, and the remaining one-half shall be made on January 1 of each fiscal year, or as soon thereafter as possible. The state board shall certify, on or before July 20 and December 20 of each fiscal year, to the director of accounts and reports the amount due on August 1 or on January 1, as the case may be, to each institution eligible for postsecondary tiered technical education state aid from such appropriation, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the eligible institution for such amount. Upon receipt of the warrant, the treasurer of each community college and the institute of technology shall credit the amount of the warrant to the postsecondary technical education fund of the community college or institute, and the treasurer of each technical college shall credit the amount of the warrant to the general operating fund of the technical college.

New Sec. 6. No amount of postsecondary tiered technical education state aid shall be based upon any credit hour for which the eligible institution is receiving or eligible to receive state aid for non-tiered course credit hours.
New Sec. 7. At any time, if the state board of regents finds that an eligible institution previously approved or deemed approved has failed to comply with the provisions of sections 1 through 10, and amendments thereto, or with any provision of a policy adopted pursuant to sections 1 through 10, and amendments thereto, or otherwise fails to meet the standards contained in sections 1 through 10, and amendments thereto, the state board of regents shall so advise the institution. If such institution fails to correct the deficiency within 12 months from the date such institution was so notified, the state board of regents shall withdraw approval of the institution and the institution shall not be entitled to postsecondary tiered technical education state aid during any such period of withdrawal. Any action of the state board of regents in denying or withdrawing approval of an institution shall be subject to review by the legislature.

New Sec. 8. (a) There is hereby established a postsecondary technical education fund in each community college and at Washburn university for the Washburn institute of technology. All moneys received by a community college or for the institute of technology for establishing, conducting, maintaining and administering any technical program shall be deposited in the postsecondary technical education fund, unless required by federal or state law to be deposited in the institution’s general fund. The expenses of a community college or the institute of technology that are attributable to career technical education shall be paid from the postsecondary technical education fund.

(b) There is hereby established a general operating fund in each technical college budget. All moneys received by a technical college for delivering tiered technical course credit hours and non-tiered course credit hours shall be deposited in the general operating fund of the college. The expenses of a technical college that are attributable to career technical education shall be accounted for separately from the expenses of the college that are not attributable to career technical education.

(c) Community colleges, technical colleges and the Washburn institute of technology shall maintain fund accounting procedures as may be necessary to assure proper accounting for funds for career technical education courses, whether received directly from the federal government or any of its agencies, or received through the state or any of its agencies.

New Sec. 9. Any lawful transfer of money from the general fund of a community college or the Washburn institute of technology to the postsecondary technical education fund of such institution shall be an operating expense in the year the transfer is made. The board of any community college or the Washburn institute of technology may transfer moneys from its general fund to its postsecondary technical education fund. Expenditures for career technical education shall not be made from the general fund of a community college or the Washburn institute of technology.
New Sec. 10. The state board may adopt such policies as are necessary or desirable to implement and administer this act.

New Sec. 11. On or before November 1 and on or before March 1 of each year, the chief administrative officer of each technical college shall certify under oath to the state board the total number of duly enrolled credit hours of students of the technical college during the current session who are state residents. Each November 1 and March 1, certification for payment shall set forth separately the credit hour enrollment for preceding sessions and for the current fall session. The state board may require the technical college to furnish any additional information deemed necessary by it to carry out the provisions of sections 11, 12 and K.S.A. 72-4480, and amendments thereto, and shall prescribe such forms and policies as may be necessary for making such reports.

New Sec. 12. (a) If the amount of any appropriation for non-tiered course credit hour grant aid is insufficient to pay in full the amount each technical college is eligible to receive, the amount appropriated shall be prorated among all technical colleges in proportion to the amount each is eligible to receive.

(b) If any technical college is paid more than the amount it is eligible to receive, the state board shall notify the technical college of the amount of the overpayment and the technical college shall remit the same to the state board and the state board shall deposit the same in the state treasury to the credit of the general fund, and if any such technical college fails to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such technical college.

(c) If any technical college is paid less than the amount it is eligible to receive, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

(d) As used in this section, the term “non-tiered course” shall have the same meaning ascribed thereto in section 2, and amendments thereto.

Sec. 13. K.S.A. 2010 Supp. 71-201 is hereby amended to read as follows: 71-201. (a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of regents, shall have custody of and be responsible for the property of the community college and shall be responsible for the operation, management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of regents. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

(b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to
the rules and regulations of the state board of regents is hereby granted the following powers:

1. To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.

2. To sue and be sued.

3. To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.

4. To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.

5. To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their specifications, define their duties, and to fix their compensation and terms of employment. No community college teacher shall be required to meet licensure requirements greater than those required in the state educational institutions.

6. Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.

7. To enter into contracts.

8. To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.

9. To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any lease-purchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws conflict with this subsection in such a manner as to prevent the intention of this subsection
from being made effective, the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).

(10) To enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

(11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.

(12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.

(13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of regents, that are necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.

(14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of regents which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.

(15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication.

(16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of academic or vocational education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition and fees, funds received from the state of Kansas or the United States for academic or vocational education, or taxes collected under K.S.A. 71-204, and amendments thereto. Any contract made under this subsection with an in-
stitution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.

(17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed $1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

(c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than $90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than $90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community
college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) The board of trustees of a community college may purchase or otherwise acquire land or land and improvements within: (1) The community college district; or (2) the service area of the community college. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district or the service area of the community college and owned or being acquired by the community college on the effective date of this act.

For the purposes of this subsection, “service area” means a designated geographic area of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents.

Sec. 14. K.S.A. 71-601 is hereby amended to read as follows: 71-601.

(a) “Credit hour” means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education which subject or course is approved by the state board.

(b) The term “credit hour” does not include within its meaning instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board.

(c) The state board shall determine whether the subjects and courses offered in the community colleges are at the level of freshmen and sophomore subjects and courses offered in the state educational institutions and shall not approve for funding any subject or course offered at a higher level.

(b) “Full time equivalent enrollment” or “FTE enrollment” means the quotient obtained by dividing by 30 the total credit hour enrollment in a fiscal year of students of a community college who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and amendments thereto.

(c) “State grant” means the operating grant provided for under subsection (a) of K.S.A. 71-620, and amendments thereto, and if entitlement is determined, the quality performance grant provided for under subsection (b) of K.S.A. 71-620, and amendments thereto.
Sec. 15. K.S.A. 71-604 is hereby amended to read as follows: 71-604.
(a) If the amount of any appropriation for state entitlement aid is insufficient to pay in full the amount each community college is otherwise eligible to receive, the amount appropriated shall be prorated among all community colleges in proportion to the amount each is eligible to receive.

(b) If any community college is paid more than the amount it is entitled to receive, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and the state board shall deposit the same in the state treasury to the credit of the general fund, and if any such community college fails so to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.

(c) If any community college is paid less than the amount it is entitled to receive, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

Sec. 16. K.S.A. 71-609 is hereby amended to read as follows: 71-609.
(a) No amount of a state entitlement funding shall be based upon enrollment in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of regents.

(b) (1) No amount of a state entitlement funding shall be based upon enrollment in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.

(2) For the purposes of this subsection, the term “main campus of a state educational institution” as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university’s college of technology located in Saline county.

Sec. 17. K.S.A. 71-609a is hereby amended to read as follows: 71-609a. No amount of the state entitlement operating grant of a community college shall be based upon any course or program if such course or program is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with such community college and for which payments of state or federal moneys are made to the area vocational school, the area vocational-technical school, or the technical
college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, credit hour for which the community college is receiving or is eligible to receive postsecondary tiered technical education state aid.

Sec. 18. K.S.A. 71-614 is hereby amended to read as follows:

7 1-614. Any lawful transfer of money from the general fund of a community college to the vocational career technical education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund shall be an operating expense in the year the transfer is made. The board of trustees of any community college may transfer moneys from its general fund to its vocational career technical education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund. Expenditures for vocational career technical education, adult basic education, adult supplementary education and motorcycle driver safety shall not be made from the general fund of a community college.

Sec. 19. K.S.A. 71-620 is hereby amended to read as follows:

(a) In each fiscal year, commencing with the 2001 fiscal year, each community college is entitled to an operating grant from the state general fund, in an amount to be determined by the state board, for non-tiered course credit hours, as defined in section 2, and amendments thereto, approved by the state board and delivered by the community college. The method of distribution of such funds shall be established by the state board after dialogue with the community college presidents. The state board shall:

(1) Determine the average amount of moneys from the state general fund expended per FTE lower division undergraduate student in the preceding fiscal year at the regional state educational institutions;

(2) (A) in the 2001 fiscal year, compute 50% of the amount determined under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined under (1); in the 2004 fiscal year and in each fiscal year thereafter, compute 65% of the amount determined under (1);

(3) determine the total number of FTE students of all the community colleges;

(4) multiply the amount computed under (2) by the total number of FTE students determined under (3). Subject to the provisions of subsection (e) of K.S.A. 71-3202d, and amendments thereto, the product is the total amount of operating grants the community colleges are entitled to receive for the fiscal year.

(5) Each community college which is not an officially designated area vocational school shall receive an amount equivalent to the difference between credit hour state aid received in the 1999 fiscal year for credit hours in any subject or course approved as a vocational education subject or course and 1 1/6 times the amount of credit hour state aid received in the 1999 fiscal year for credit hours in any subject or course approved as a vocational education subject or course.
vocational education subject or course. The amount determined under this
provision shall be distributed in equal installments in the 2001 through 2004
fiscal years as a part of the community college’s operating grant, but shall
not be subject to the provisions of K.S.A. 71-204, and amendments thereto.

(6) In each fiscal year, the state board, for the purpose of allocating the
amount determined under (1) to the community colleges, shall deduct the
total of the amounts determined under (5) from the amount determined
under (4).

(7) In the 2001 fiscal year, the remaining balance determined under (6)
shall be allocated to each community college according to the ratio the total
amount of state aid received by the community college in the 2000 fiscal
year bears to the total amount of state aid received by all community col-
leges in the 2000 fiscal year, subject to adjustments for changes in each
community college’s FTE enrollment from the 2000 fiscal year to the 2001
fiscal year.

(8) In the 2002 fiscal year and in each fiscal year thereafter, the re-
maining balance determined under (6) shall be allocated to each community
college according to the ratio the amount of the operating grant received
by the community college in the prior fiscal year bears to the total amount
of operating grants received by all community colleges in the prior fiscal
year, subject to adjustments for changes in each community college’s FTE
enrollment from the prior fiscal year to the current fiscal year.

(b) In each fiscal year, commencing with the 2003 fiscal year, each
community college is eligible to receive a quality performance grant from
the state general fund. If the state board determines that the community
college has demonstrated effectiveness in complying with its role and mis-
ision statement and has met or exceeded the core indicators of quality per-
formance for community colleges identified and approved by the state
board, the community college shall receive a quality performance grant in
an amount which shall be determined by the state board by computing 2%
of the amount of the operating grant the community college received in the
preceding fiscal year. The computed amount is the amount of the quality
performance grant the community college shall receive for the fiscal year.

No amount of grant under this section shall be based upon any credit hour
for which the community college is receiving or is eligible to receive pos-
tsecondary tiered technical education state aid in accordance with section
3, and amendments thereto. Only the credit hours of students who are
residents of the state of Kansas enrolled in courses for postsecondary credit
shall be considered for funding.

(c) For the purposes of this section, the FTE enrollment of the com-
unity college shall be based on: (1) Enrollment of students who are res-
idents of the state of Kansas, or are considered residents of the state of
Kansas pursuant to the provisions of K.S.A. 71-407, and amendments
thereto, and (2) the greater of FTE enrollment of the community college in
the current fiscal year or FTE enrollment in the preceding fiscal year. For
purposes of this section, residency for all community college students shall be determined in accordance with K.S.A. 71-406 and 71-407, and amendments thereto.

(d) As used in this section, the term regional state educational institutions means Emporia state university, Fort Hays state university and Pittsburg state university and the term lower division undergraduate student means a freshman or sophomore.

Sec. 20. K.S.A. 71-701 is hereby amended to read as follows: 71-701. As used in this act:
(a) ‘‘Board of trustees’’ means the governing body of a community college.
(b) ‘‘Campus’’ means the location of all or part of the buildings and facilities of a community college.
(c) ‘‘Chief administrative officer’’ means the president or one so appointed by the board of trustees.
(d) (d) ‘‘Community college’’ means a public community college established under the provisions of this act. The official name of a community college shall be ‘‘the ______ community college’’ and the blank shall be filled with the name of the city or county.
(e) (e) ‘‘State board’’ means the state board of regents.
(f) (f) ‘‘Community college district’’ means the taxing district of a community college.
(g) ‘‘Board of trustees’’ means the governing body of a community college.
(h) ‘‘State plan’’ means the plan adopted for community colleges as provided by law, and such plan as it is from time to time amended by the state board upon recommendation of the advisory council; such plan may include other matters listed in the community college act and acts amendatory thereof, or supplemental thereto.
(i) ‘‘Campus’’ means the location of all or part of the buildings and facilities of a community college.
(j) ‘‘Advisory council’’ means the advisory council provided for by K.S.A. 71-901, and amendments thereto.
(k) ‘‘State board’’ means the state board of regents.
(l) ‘‘Student tuition’’ means the charge made to and paid by students for the privilege of attending a community college and participating in the institutional program.
(m) ‘‘Chief administrative officer’’ means the president or one so appointed by the board of trustees.

Sec. 21. K.S.A. 71-802 is hereby amended to read as follows: 71-802. At any time, if the state board of regents finds that a community college previously approved or deemed approved has failed to comply with the provisions of this act or with any provision of a rule or regulation adopted pursuant to this act, or fails to meet the standards contained in this act, the
state board of regents shall so advise the board of trustees. If after 12 calendar months after any such notification such board of trustees has failed to correct the deficiency noted, the state board of regents shall withdraw approval of the community college and it shall not be entitled to state aid during the continuance of any such period of withdrawal. Any action of the state board of regents in granting, denying or withdrawing approval of a community college shall be subject to review by the legislature.

Sec. 22. K.S.A. 71-1201 is hereby amended to read as follows: 71-1201. Territory may be added to any community college district which has been established under this act either by deemed approval or by election approval by one of the following methods:

(a) The board of education of any unified district a part of which is in the community college district or which touches and adjoins a community college district may petition the state board for attachment of the territory of such unified district to the community college district for community college purposes. Upon receiving any petition under this subsection, the same shall be submitted to the advisory council for its advice and recommendations which, together with the petition, shall be presented to the state board. After considering the petition, the state board may approve such attachment, if the advisory council has so recommended. If the advisory council has not so recommended, the state board shall so inform the recommendation of the board of trustees of the community college involved and may request its recommendation as to such attachment. If such request is made and if such board of trustees recommends such attachment, the same may be approved by the state board. Upon granting any approval for attachment of territory the state board shall so inform the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval for such attachment in the area petitioned for attachment. Such election shall be conducted in accordance with the procedure for approval for establishment of a community college as specified in this act. The question submitted shall be: “Shall the proposed attachment of territory to the ____ community college district be approved?”, and the blank shall be filled with the name of the community college. The expenses of the election shall be paid by the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The provisions of subsection (b) of K.S.A. 71-1102, and amendments thereto, shall also apply to this subsection.

(b) Any board of trustees may petition the state board for the attachment of any adjoining territory to the community college district. Such petition shall be processed as set forth in subsection (a) of this section, except that in the event of disapproval by the advisory council the state board shall so
inform the board of trustees and in such case such attachment shall not be made. If the advisory council state board approves such petition, the state board shall notify the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval of such attachment in the area petitioned for attachment. No attachment of territory shall be made under this subsection unless such attachment has been approved by a majority of those voting in the territory to be attached. Such election shall be conducted in accordance with the procedure for approval of the establishment of community colleges as specified in this act. The question submitted shall be: ‘‘Shall the proposed attachment of territory to the ______ community college district be approved?’’, and the blank shall be filled with the name of the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The expenses of the election shall be paid by the community college.

(c) No territory shall be attached to any community college district within 120 days prior to the general election of members of the board of trustees.

(d) If the community college attaching territory under subsection (a) or (b) has member district method of election, no approval thereof shall be given by the state board and no proposition for approval thereof shall be submitted to any election until new proposed member districts for the community college territory as the same will exist after the addition of territory have been established by the state board.

Sec. 23. K.S.A. 2010 Supp. 71-1507 is hereby amended to read as follows: 71-1507. (a) The board of trustees of any community college and the board of any area vocational school or area vocational-technical school technical college or the institute of technology at Washburn university, may make and enter into agreements providing for the transfer from the area vocational school or area vocational-technical school technical college or the institute of technology to the community college of any approved career technical education program being offered and taught at the postsecondary level in the area vocational school or area vocational-technical school technical college or the institute of technology.

(b) In the event the board of trustees of a community college and the board of an area vocational school or area vocational-technical school any technical college or the institute of technology at Washburn university enter into an agreement authorized under subsection (a), the following conditions shall apply:

(1) The state board of regents shall be notified of the agreement at the time the agreement is executed.

(2) The agreement shall be effective only after approval by the state board of regents.
(3) Any career technical education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of regents.

(4) The agreement shall be subject to change or termination by the legislature.

(5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).

(B) Termination of the agreement may be accomplished only upon approval by the state board of regents of a joint petition to it for termination by the contracting boards after adoption of a resolution to that effect by each such board. The state board of regents shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.

Sec. 24. K.S.A. 2010 Supp. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act:

(a) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.

(b) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, the board of control of any area vocational technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.

(c) "Area vocational school" means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational technical school."

(e) "Area vocational-technical school" means any vocational education school which was classified as a type II area vocational technical school under authority of former laws or which is established and classified as a type II area vocational technical school under authority of this act.
school to which this definition applies is the Southeast Kansas area vocational-technical school.

The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection.

(c) “Career technical education” means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual’s academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term “career technical education” also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.

(d) “School district” means any school district organized under the laws of this state.

(e) “Community college” means any community college organized and operating under the laws of this state.

(f) “Institute of technology” or “Washburn institute of technology” means the institute of technology at Washburn university.

(g) “Municipal university” means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated, and amendments thereto.

(h) “School district” means any school district organized under the laws of this state.

(i) “School year” means the 12-month period ending on June 30.

(j) “State board” means the state board of regents.

(k) “State educational institution” means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(l) “State plan” means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.

(m) “Technical college” means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.
(i) ‘‘State board’’ means the state board of regents.

(j) ‘‘School year’’ means the twelve-month period ending on June 30.

(k) ‘‘Career technical education’’ means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual’s academic knowledge, higher order reasoning, and problem solving skills, work attitudes, general employability skills, and the occupational specific skills necessary for economic independence as a productive and contributing member of society. The term ‘‘career technical education’’ also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.

(l) ‘‘Technology education’’ means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

(m) ‘‘State plan’’ means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.

(n) ‘‘Associate of applied science degree program’’ means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.

Sec. 25. K.S.A. 2010 Supp. 72-4415 is hereby amended to read as follows: 72-4415. The state board shall be responsible for the allocation and distribution of the state and federal funds for career and technical education provided for pursuant to the Carl D. Perkins career and technical education act of 2006 in accordance with the state plan. Moneys allocated and distributed under the provisions of this section shall be expended only in accordance with and for the purposes specified in federal or state law or the state plan. Payments under this act may be made in installments and in
advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Federal funds for career and technical education shall be deposited in the state treasury.

Sec. 26. K.S.A. 72-4440 is hereby amended to read as follows: 72-4440. As used in this act:
(a) "Area vocational school," "area vocational-technical school," "Board," "state board," and "school year" and "technical college" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
(b) "Operating budget" shall have the meaning ascribed thereto in K.S.A. 72-4430, and amendments thereto.
(c) "School" means any area vocational school and any area vocational-technical school.
(d) "Career technical education capital outlay aid" means state financial aid distributed under this act by the state board to an eligible institution for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of school buildings, architectural expenses incidental thereto, the acquisition of buildings for school purposes and school building sites and the acquisition of equipment.
(e) "Eligible institution" or "institution" means any technical college, Coffeyville community college, Cowley county community college, Dodge City community college, Highland community college, Hutchinson community college, Johnson county community college, Kansas City, Kansas community college, Pratt community college, Seward county community college and the institute of technology at Washburn university.

Sec. 27. K.S.A. 72-4441 is hereby amended to read as follows: 72-4441. (a) There is hereby established in every area vocational-technical school eligible institution a fund which shall be called the "vocational career technical education capital outlay fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by an area vocational-technical school eligible institution from distributions made under this act shall be credited to the vocational career technical education capital outlay fund.
(b) Any moneys received, prior to or after the effective date of this act, by an area vocational-technical school eligible institution from donations, gifts, grants or bequests, subject to any terms or conditions to the contrary imposed by the donor thereof, may be transferred to or deposited in the vocational career technical education capital outlay fund and may be expended by the area vocational-technical school institution for any purpose for which vocational career technical education capital outlay aid may lawfully be expended.

Sec. 28. K.S.A. 72-4442 is hereby amended to read as follows: 72-4442. The amount of vocational career technical education capital outlay
aid for each school eligible institution shall be determined by the state board on the basis of need and the condition of existing facilities and equipment and payments thereof shall be distributed on payment dates to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due as vocational career technical education capital outlay aid to each school eligible institution five days before each payment date. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school entitled to institution eligible for payment of vocational career technical education capital outlay aid, pursuant to vouchers approved by the state board or by a person or persons designated by the state board. Upon receipt of such warrant, the treasurer of each area vocational school shall deposit the amount thereof to the credit of the area vocational school fund. The treasurer of each area vocational technical school eligible institution shall deposit the amount of such warrant to the credit of the vocational career technical education capital outlay fund established by this act.

In the event any school eligible institution is paid more than it is entitled to receive under any distribution made under this act, the state board shall notify the school institution of the amount of such overpayment, and such school institution shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. If any such school institution fails to remit the excess amounts so paid from future payments becoming due to such school institution. In the event any school institution is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the school academic year in which the underpayment was made or within 60 days after the end of such school academic year.

Sec. 29. K.S.A. 2010 Supp. 72-4450 is hereby amended to read as follows: 72-4450. As used in this act:
(a) “Career technical education program” means a program of vocational or technical training or retraining which is operated at the postsecondary level and is designed to prepare persons for gainful employment.
(b) “Career technical education institution” means any area vocational school, area vocational-technical school, technical college, community college, municipal university, or any state educational institution which operates one or more career technical education programs.
(c) “Area vocational school,” “area vocational-technical school,” “Community college,” “institute of technology,” “municipal university,” “state educational institution,” “technical college,” and “state board”
have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(d) “Private postsecondary educational institution” and “out-of-state postsecondary educational institution” have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

(e) “Program” means the Kansas training information program established by this act.

Sec. 30. K.S.A. 72-4453 is hereby amended to read as follows: 72-4453. (a) The board of trustees of every community college and the governing board of every area vocational school or area vocational technical college and the institute of technology shall make and enter into agreements providing the transferability of substantially equivalent courses of study and programs which are offered at such educational institutions in order to facilitate the articulation of students to and among such educational institutions.

(b) The following conditions shall apply to the agreements required under subsection (a):

(1) The state board of regents shall be notified of the agreement at the time the agreement is executed; and

(2) the agreement shall be effective only after approval by the state board of regents.

(c) The state board of regents shall prescribe criteria or guidelines for the purpose of determining which courses of study and programs offered in the area vocational schools and area vocational technical colleges and the institute of technology are: (1) Substantially equivalent to courses of study and programs offered in the community colleges; and (2) transferable to the community colleges. A current, complete list of such courses of study and programs shall be maintained on file in the office of the state board of regents and shall be open for public inspection at any reasonable time.

Sec. 31. K.S.A. 72-4454 is hereby amended to read as follows: 72-4454. The state board of regents shall adopt a policy requiring articulation agreements among area vocational schools, area vocational technical schools, community colleges, technical colleges, the institute of technology and state educational institutions providing for the transferability of substantially equivalent courses of study and programs which are offered at area vocational schools, area vocational technical schools, community colleges, technical colleges, the institute of technology and state educational institutions in order to facilitate articulation of students in technical programs to and among area vocational schools, area vocational technical schools, community colleges, technical colleges, the institute of technology and state educational institutions.

Sec. 32. K.S.A. 2010 Supp. 72-4466 is hereby amended to read as follows: 72-4466. As used in this act:
(a) "Area vocational school", "area vocational-technical school", and "Community college," "technical college" and "institute of technology" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(b) "Career technical education institution" means any area vocational school, area vocational-technical school or community college, technical college or the institute of technology.

(c) "Board" means the state board of regents.

(d) "Program" means Kansas technology innovation and internship program.

Sec. 33. K.S.A. 2010 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) On or before July 1, 2005, all technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

1. The composition of the independent governing board;
2. the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
3. the method of election or appointment and the terms of service of the members of the independent governing board;
4. the date upon which the independent governing board shall assume management and control of the technical college;
5. the manner, terms upon which and extent to which the facilities; will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
6. the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2010 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.

(b) (1) Upon approval of the plan by the state board of regents and the governing body of the technical college which submitted the plan, and On the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational-technical schools. Any amendments to the plan shall be submitted to the state board of regents for approval.

(2) After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant
to subsection (a), the state board of regents shall have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.

(c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:

(1) Determine the career technical and general education courses of instruction that will comprise the associate of applied science degree programs of the college;

(2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;

(3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;

(4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions;

(5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;

(6) select a chairperson and such other officers as it deems desirable, from its membership;

(7) sue and be sued;

(8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;

(9) fix and determine, within state adopted standards, all other employees’ qualifications, duties, compensation and all other items and conditions of employment;

(10) enter into contracts;

(11) accept any gifts, grants or donations;

(12) acquire and dispose of real or personal property;

(13) enter into lease agreements as lessor of any property owned or controlled by the college;

(14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;

(15) contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether
located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;

(16) appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;

(17) take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;

(18) issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto, except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college; and

(19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges; and

(20) fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board.

Sec. 34. K.S.A. 72-4480 is hereby amended to read as follows: 72-4480. (a) In each fiscal year, commencing with the 2012 fiscal year, each technical college, as defined in section 2, and amendments thereto, is eligible for a grant from the state general fund, in an amount to be determined by the state board of regents, for non-tiered course credit hours, as defined in section 2, and amendments thereto, approved by the state board and delivered by the technical college. The method of distribution of such funds shall be established by the state board after dialogue with the technical college presidents.

(b) No amount of grant under this section shall be based upon any credit hour for which the technical college is receiving or is eligible to receive postsecondary tiered technical education state aid in accordance with section 3, and amendments thereto. Only the credit hours of students who are residents of the state of Kansas enrolled in courses for postsecondary credit shall be considered for funding.

(c) The state board of regents shall identify and approve core indicators of quality performance for vocational education schools and technical colleges and shall establish and implement a data management system that includes a process and format for collecting, aggregating and reporting common and institution-specific information documenting effectiveness of the schools and colleges in meeting the role and mission thereof.

(b) In each fiscal year, commencing with the 2003 fiscal year, each vocational education school and technical college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the school or college has demonstrated effectiveness in
complying with its role and mission statement and has met or exceeded the core indicators of quality performance for vocational education schools and technical colleges identified and approved by the state board, the school or college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of post-secondary aid the school or college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the school or college shall receive for the fiscal year.

(c) (d) One-half of the distribution of the appropriation for quality performance grants under this section to vocational education schools and technical colleges entitled to eligible for such grants shall be made at a time to be determined by the state board, on August 1, and the remaining one-half shall be made on January 1 of each fiscal year, or as soon thereafter as possible. The state board shall certify, on or before July 20 and December 20 of each fiscal year, to the director of accounts and reports the amount due on August 1 or January 1, as the case may be, to each vocational education school and technical college entitled to eligible for a grant, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the school or technical college for such amount. Upon receipt of the warrant, the treasurer of the school or technical college shall credit the amount of the warrant to the general fund of the technical college.

Sec. 35. K.S.A. 2010 Supp. 72-4481 is hereby amended to read as follows: 72-4481. (a) There is hereby established the postsecondary technical education authority. The authority shall be composed of 12 members appointed as follows:

1. Four members shall be appointed by the state board of regents. Of the members appointed by the state board of regents: Two shall be members of the state board of regents, or the designee thereof; one shall be a representative of the community colleges which provides technical education, or the designee thereof; and one shall be a representative of the technical colleges in the state, or the designee thereof;

2. three members shall be appointed by the governor. Of the members appointed by the governor: One shall represent Kansas business and industry; and two shall represent the general public;

3. one member shall be appointed by the president of the senate and shall be a representative of business and industry;

4. one member shall be appointed by the speaker of the house of representatives and shall be a representative of business and industry; and

5. the commissioner of education, the secretary of commerce and the secretary of labor, or the designee thereof, who shall serve as ex officio members of the authority.

(b) When making appointments of the representatives of Kansas business and industry and the general public, consideration shall be given to persons who are recognized for their knowledge or expertise and are rep-
resentative of current and emerging technical career clusters of the state. No more than two members of the authority shall be representative of any one specific technical career cluster. Of the members appointed to represent Kansas business and industry and the general public, there shall be appointed at least one member from each congressional district. Redistricting of congressional districts occurring subsequent to a member’s appointment shall not disqualify any member of the authority from service. The state board of regents shall determine the technical career clusters of the state.

(c) No more than five voting members of the authority shall be members of the same political party.

(d) Any vacancy in the membership of the authority shall be filled by appointment in the same manner as provided for original appointment of the member.

(e) The members of the authority shall meet and organize annually by electing one member as chairperson, except that the governor shall designate the first chairperson of the authority from among the first members appointed.

(f) The authority may meet at any time and at any place within the state on the call of the chairperson. A quorum of the authority shall be five voting members. All actions of the authority shall be by motion adopted by a majority of those voting members present when there is a quorum.

(g) Members of the authority attending meetings of the authority, or attending a subcommittee meeting thereof authorized by the authority, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

Sec. 36. K.S.A. 72-6214 is hereby amended to read as follows: 72-6214. (a) As used in this section, the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:

1. “Board” means the state board of regents, the state board of education, the board of trustees of any public community junior college, the board of regents of any municipal university, the board of control of any area vocational-technical school and the board of education of any school district.

2. “Student” means a person who has attained eighteen (18) years of age, or is attending an institution of postsecondary education.

3. “Pupil” means a person who has not attained eighteen (18) years of age and is attending an educational institution below the postsecondary level.

(b) Every board shall adopt a policy in accordance with applicable federal laws and regulations to protect the right of privacy of any student, or pupil and his or her such pupil’s family regarding personally identifiable records, files and data directly related to such student or pupil. The board shall adopt and implement procedures to effectuate such policy by January
1, 1977. Such procedures shall provide for: (1) Means by which any student or parent of a pupil, as the case may be, may inspect and review any records or files directly related to the student or pupil; and (2) restricting the accessibility and availability of any personally identifiable records or files of any student or pupil and preventing disclosure thereof unless made upon written consent of such student or parent of such pupil, as the case may be.

To the extent that any other provision of law conflicts with this section, this section shall control.

Sec. 37. K.S.A. 72-6503 is hereby amended to read as follows: 72-6503. (a) Except to the extent provided in subsection (4), in each fiscal year, the university is entitled to an operating grant from the state general fund in an amount to be determined by the state board. The state board shall:

(1) Determine the average amount of moneys from the state general fund expended per FTE lower division undergraduate student in the preceding fiscal year at the regional state educational institutions;

(2) (A) in the 2002 fiscal year, compute 55% of the amount determined under (1); (B) in the 2003 fiscal year, compute 60% of the amount determined under (1); (C) in the 2004 fiscal year and in each fiscal year thereafter, compute 65% of the amount determined under (1);

(3) multiply the amount computed under (2) by the number of FTE students of the university. Subject to the provisions of subsection (e) of K.S.A. 74-3202d, and amendments thereto, the product is the amount of the operating grant the university is entitled to receive for the fiscal year.

(4) Notwithstanding the foregoing provisions, no amount of the university’s operating grant shall be based upon any credit hour for which the university or its affiliated institute of technology is receiving or is eligible to receive postsecondary tiered technical education state aid in accordance with section 3, and amendments thereto.

(b) In each fiscal year, commencing with the 2003 fiscal year, the university is eligible to receive a quality performance grant from the state general fund. If the state board determines that the university has demonstrated effectiveness in complying with its mission and goals statement and has met or exceeded the core indicators of quality performance identified and approved for the university by the state board, the university shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of the operating grant the university received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the university shall receive for the fiscal year.

(e) (1) For the purposes of this section, the FTE enrollment of the university shall be based on: (A) Enrollment of students who are residents of the state of Kansas; and (B) the greater of FTE enrollment in the second or third fiscal year preceding the fiscal year for which the appropriation for the operating grant is made.
(2) As used in this section, the term "regional state educational institutions" means Emporia state university, Fort Hays state university and Pittsburg state university, and the term "lower division undergraduate student" means a freshman or sophomore.

d (c) Moneys received as state grants from the state general fund shall not be expended for the purpose of expansion of graduate programs or for the purpose of expansion of off-campus programs without the prior approval of the state board.

Sec. 38. K.S.A. 2010 Supp. 73-1217 is hereby amended to read as follows:

73-1217. The board of trustees of every community college, the board of regents of Washburn university of Topeka, the board of control of every area vocational school, the governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father parent or his such parent's reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act may file a claim with the Kansas veterans' commission Kansas commission on veterans affairs for reimbursement of the amount of such tuition or fees. The Kansas veterans' commission Kansas commission on veterans affairs shall administer this act and qualifications of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

Sec. 39. K.S.A. 73-1218 is hereby amended to read as follows:

73-1218. The state board of regents, the board of trustees of every community junior college, the board of regents of Washburn university of Topeka, the board of control of every area vocational school, the board of control of every area vocational technical school, the governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict, so long as such dependent is eligible, but not to exceed twelve (12) 12 semesters of instruction or the equivalent thereof at all such institutions for any person. Once a person qualifies as a depend-
ent under the terms and provisions of this act, no occurrence, such as the
return of the dependent’s father or mother, shall disqualify the dependent
from the provisions or benefits of this act. The governing body of every
institution of post-high school education which is supported by any state
moneys and which grants tuition or fees without charge to a dependent
under this act may file a claim with the Kansas veterans’ commission on
veterans affairs for reimbursement of the amount of such tuition or fees.
The Kansas veterans’ commission on veterans affairs shall administer this
act and the qualification of persons as dependents shall be determined by
such commission. Such commission may adopt rules and regulations mak-
ing more specific the definition herein contained and for the administration
of this act.

“Dependent” as used in this act shall mean any child born to, legally
adopted by, or in the legal custody of a person who was a resident of the
state of Kansas at the time such person entered service of the United States
armed forces and who, while serving in said U.S. armed forces in the ge-
ographical area of the Vietnam conflict, has been declared to be a person
who died as the result of a service-connected disability suffered during the
Vietnam conflict as a result of such conflict.

Sec. 40. K.S.A. 2010 Supp. 74-3201b is hereby amended to read as
follows: 74-3201b. As used in the Kansas higher education coordination
act:

(a) “Adult basic education program” and “adult supplementary edu-
cation program” have the meanings respectively ascribed thereto in K.S.A.
72-4517, and amendments thereto.
(b) “Community college” means any community college established
under the laws of this state.
(c) “Institute of technology” or “Washburn institute of technology”
means the institute of technology at Washburn university.
(d) “Municipal university” means Washburn university of Topeka or
any other municipal university established under the laws of this state.
(e) “Postsecondary educational institution” means any public univer-
sity, municipal university, community college and technical college, and
includes any entity resulting from the consolidation or affiliation of any
two or more of such postsecondary educational institutions.
(f) “Private postsecondary educational institution” and “out-of-state
postsecondary educational institution” have the meanings ascribed thereto
(g) “Public university” means any state educational institution.
(h) “Representative of a postsecondary educational institution” means
any person who is the holder of an associate degree, a bachelor’s degree,
or a certificate of completion awarded by a postsecondary educational
institution.
(i) “State board of regents” or “state board” means the state board
of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.

(b) (j) “State educational institution” means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.

c) “Municipal university” means Washburn university of Topeka or any other municipal university established under the laws of this state.

d) “Community college” means any community college established under the laws of this state.

e) (k) “Technical college” means any technical college established under the laws of this state.

(f) “Career technical education school” means any area vocational school or area vocational-technical school established under the laws of this state.

g) “Public university” means any state educational institution.

(h) “Postsecondary educational institution” means any public university, municipal university, community college, technical college and career technical education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(i) “Private postsecondary educational institution” and “out-of-state postsecondary educational institution” have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

(j) “Adult basic education program” and “adult supplementary education program” have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.

(k) “Representative of a postsecondary educational institution” means any person who is the holder of an associate degree, a bachelor’s degree, or a certificate of completion awarded by a postsecondary educational institution.

Sec. 41. K.S.A. 2010 Supp. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:

(a) “Kansas educational institution” means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and accredited independent institutions.

(b) “Eligible guard member” means a newly enlisted or reenlisted member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educ-
cational development (GED) credentials, or who is entitled to federal educational benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program (FEAP) for members of the selected reserve.

c) “Kansas national guard educational assistance program” or “program” means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

d) “Educational program” means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

Sec. 42. K.S.A. 2010 Supp. 74-32,151 is hereby amended to read as follows:

Sec. 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-32,159, and amendments thereto, shall be known and may be cited as the workforce development loan program act.

(b) As used in the workforce development loan act, “postsecondary educational institution” shall have the meaning ascribed thereto by K.S.A. 74-3201b, and amendments thereto.

(c) Within the limits of appropriations and private contributions therefor, and in accordance with the provisions of this act, the state board of regents may award such loans to Kansas residents who are enrolled in or admitted to an area vocational technical school, a technical college, community college, vocational school coordinated under the state board of regents, the institute of technology at Washburn university or associate degree programs at postsecondary educational institutions and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-32,152, and amendments thereto.

(d) The board of regents may accept any private contributions to the program. The chief executive officer of the board of regents shall turn such contributions over to the state treasurer who shall deposit such moneys into the workforce development loan fund.

(e) After consultation with the secretaries of the departments of social and rehabilitation services and commerce, the board may establish a list of education programs in which an applicant must enroll to be eligible for a loan under this program.

(f) The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need with the highest priority given to those applicants with the greatest financial need who were in foster care on their 18th birthday or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate while in foster care. All loans shall be awarded to resident students attending area vocational technical schools, technical colleges, community colleges, area vocational schools, the institute of technology at Washburn university or associate de-
gree programs at postsecondary educational institutions. Special preference shall also be established for residents drawing unemployment compensation or such residents who were laid off from employment within the prior six months. The board may also establish preferences for workers deemed to be eligible for North American free trade agreement transition assistance under United States department of labor standards or the Kansas department of labor standards.

(g) Loans awarded under this program shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such period of time. Such loans shall be awarded for the payment of tuition, fees, books, room and board and any other necessary school related expenses.

Sec. 43. K.S.A. 2010 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:

(1) “Dependent” means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

(2) “Emergency medical services attendant” means an attendant as defined by K.S.A. 65-6112, and amendments thereto.

(3) “Firefighter” means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(4) “Kansaseducational institution” means and includes areavocationaltechnical schools, community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.

(5) “Law enforcement officer” means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(6) “Military service” means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

(7) “Prisoner of war” means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared
to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.

(2) “Public safety officer” means a law enforcement officer or a firefighter or an emergency medical services attendant.

(3) “Law enforcement officer” means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(4) “Firefighter” means a person who is: (1) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (2) a volunteer member of a fire district, fire department or fire company.

(5) “Emergency medical services attendant” means an attendant as defined by K.S.A. 65-6112, and amendments thereto.

(6) “Dependent” means (A) a birth child, adopted child or stepchild or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

(9) “Resident of Kansas” means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

(10) “Resident of Kansas” means a person who is domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

(11) “Spouse” means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent or spouse of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or spouse
is eligible; (2) any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and (3) any prisoner of war. Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 44. K.S.A. 2010 Supp. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:

(a) “Kansas educational institution” means and includes any area vocational school, area vocational-technical school, community college, the
municipal university, state educational institution, the institute of technology at Washburn university or technical college.

(b) ‘‘Eligible foster child’’ means anyone: (1) Who (A) is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age, (B) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary, (C) is adopted from a foster care placement on or after such child’s 16th birthday, or (D) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated on or after such child’s 16th birthday; and

(2) who enrolls in a Kansas educational institution on or after July 1, 2006.

(c) ‘‘Kansas foster child educational assistance program’’ or ‘‘program’’ means the program established pursuant to the provisions of the Kansas foster child educational assistance act which shall provide for undergraduate enrollment of eligible foster children through the semester the eligible foster child attains 23 years of age.

(d) ‘‘Educational program’’ means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

(e) ‘‘Secretary’’ means the secretary of social and rehabilitation services.

Sec. 45. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, ‘‘surplus real estate’’ means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

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

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

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

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

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

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state’s title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit
fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.

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

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

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

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

Sec. 46. K.S.A. 2010 Supp. 75-7222 is hereby amended to read as follows: 75-7222. As used in this act, unless the context requires otherwise:

(a) “Board” means the state board of regents.

(b) “Hospital” means a licensed hospital, as defined in K.S.A. 65-425, and amendments thereto.

(c) “Library” means: (1) The state library; (2) any public library established and operating under the laws of this state; or (3) any regional system of cooperating libraries, as defined in K.S.A. 75-2548, and amendments thereto.

(d) “Network” means the KAN-ED network created pursuant to this act.

(e) “School” means: (1) Any unified school district, school district interlocal cooperative, school district cooperative or nonpublic school accredited by the state board of education; or (2) any community college, technical college, area vocational school, area vocational-technical school, the institute of technology at Washburn university or Kansas educational institution, as defined in K.S.A. 74-32,120, and amendments thereto.
Sec. 47. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:

(a) “Board” means the state board of regents or the board of regents of a municipal university or the governing board of the Northwest Kansas area vocational technical school or the board of control of the North Central Kansas area vocational technical school or the board of trustees of any community college.

(b) “Institution” means and includes any state educational institution operated and managed under the control and supervision of the state board of regents, any municipal university organized under the laws of Kansas, any community college, the Northwest Kansas area vocational technical college, the North Central Kansas area vocational technical college, and the North Central Kansas area vocational technical school.

(c) “Building,” when heretofore or hereafter acquired or constructed by the state board of regents for any state educational institution under the control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking, hospital buildings or facilities for the university of Kansas medical center, including outpatient treatment or support facilities and acquisition of any real estate therefor, additions heretofore or hereafter erected in connection therewith, or rehabilitation or renovation of an existing building, or any combination thereof, or any stadium, structure or facility when the same is deemed necessary by the state board of regents to carry out the purposes of the institution, or additions heretofore or hereafter erected in connection with such stadium, structure or facility. The state board of regents shall not issue any revenue bonds for acquisition or construction of any building, structure or facility or additions erected in connection therewith, or for rehabilitation or renovation of an existing building, as authorized by this section, unless such acquisition, construction or rehabilitation or renovation has been authorized by appropriation or other act of the legislature and the state board of regents has first advised and consulted on such acquisition, construction or rehabilitation or renovation with the joint committee on state building construction.

(d) “Revenue bonds” means bonds issued by a board under authority of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are
retired, or both, (3) any combination of the revenues described in clause (1) or (2), and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.

(e) ‘‘Net income and revenue’’ means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.

(f) ‘‘Building,’’ when heretofore or hereafter acquired or constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking or additions herefo re or hereafter erected in connection therewith, or any combination thereof.

Sec. 48. K.S.A. 2010 Supp. 76-768 is hereby amended to read as follows: 76-768. (a) On and after July 1, 2006:

(1) No postsecondary educational institution shall print or encode a person’s social security number on or into the person’s identification card.

(2) Any distinguishing identifier assigned to the person’s identification card shall be a combination of numbers or letters or both, which is unique to such person.

(3) A person’s distinguishing identifier shall not, in any way, be based on or depend on the person’s social security number.

(b) As used in this section:

(1) ‘‘Person’’ means an employee of or a student enrolled at a postsecondary educational institution.

(2) ‘‘Postsecondary educational institution’’ means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and private institutions of postsecondary education.

Sec. 49. K.S.A. 2010 Supp. 76-769 is hereby amended to read as follows: 76-769. (a) As used in this section:

(1) ‘‘State educational institution’’ means any state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(2) ‘‘Professional services’’ means professional services as defined in K.S.A. 75-37,131, and amendments thereto.

(3) ‘‘State board’’ means the state board of regents.

(4) (A) ‘‘Services’’ means any professional services or other contractual services.
(B) “Services” does not mean architectural services, engineering services, construction, construction management or ancillary technical services.

(5) “Municipality” means any political or taxing subdivision of the state and any agency or instrumentality of a political or taxing subdivision of the state.

(6) “Lease of real property” means:

(A) Any agreement to lease real property: (1) Between a state educational institution and one or more of its affiliated corporations; (2) between a state educational institution and a municipality; (3) between a state educational institution and any other party for vacant space that is less than 10,000 square feet; or (4) between a state educational institution and any other party for a term not to exceed 24 months.

(B) “Lease of real property” includes any agreement to lease real property from a state educational institution and any agreement to lease real property to a state educational institution.

(c) Any supplies, materials, equipment, goods, property, printing or services may be acquired by a state educational institution, and any lease of real property may be entered into by a state educational institution. Any such acquisition or lease shall be in accordance with policies adopted by the state board and shall not be subject to K.S.A. 75-1005, 75-3737a through 75-3741b, 75-3742 through 75-3744 and 75-37,130 through 75-37,134, and amendments thereto, or any rules and regulations or policies adopted thereunder. Nothing in this subsection shall be construed as prohibiting a state educational institution from using contracts established or services offered by the director of purchases.

(c) The acquisition of any articles or products produced by inmates in the custody of the secretary of corrections that may be required by a state educational institution may be acquired in accordance with policies adopted by the state board. Any such acquisition shall not be subject to the provisions of the prison-made goods act of Kansas requiring any such acquisition to be made from the secretary of corrections as provided in K.S.A. 75-5273 through 75-5282, and amendments thereto, or any rules and regulations or policies adopted thereunder.

Sec. 51. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 25, 2011.

CHAPTER 98
SENATE SUBSTITUTE for HOUSE BILL No. 2194
TO

AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer and employee contributions; benefits; member election; sale of real estate of state agencies, disposition of certain proceeds to Kansas public employees retirement fund; KPERS study commission; making certain appropriations for fiscal year 2012; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2010 Supp. 74-4914d, 74-4920, 74-49,205, 74-49,213 and 75-6609 and repealing the existing sections.

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

Section 1. On July 1, 2012, and the date of publication in the Kansas register of the notice prescribed in section 10, K.S.A. 2010 Supp. 74-4914d is hereby amended to read as follows: 74-4914d. Any additional cost resulting from the normal retirement date and retirement before such normal retirement date for security officers as provided in K.S.A. 74-4914c, and amendments thereto, and disability benefits as provided in K.S.A. 74-4914e, and amendments thereto, shall be added to the employer rate of contribution for the department of corrections as otherwise determined under K.S.A. 74-4920, and amendments thereto, except that the employer rate of contribution for the department of corrections including any such additional cost added to such employer rate of contribution pursuant to this section shall in no event exceed the employer rate of contribution for the department of corrections for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which security officers contribute during the period: (a) For the fiscal year commencing in calendar year 2006, an amount not to exceed more than 0.5% of the amount of the immediately preceding fiscal year; (b) for the fiscal year commencing in calendar year 2007, and in each subsequent calendar year years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (b) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (c) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (d) for the fiscal year commencing in calendar year 2015, an...
amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (e) for the fiscal year commencing in calendar year 2016, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year.

Sec. 2. On July 1, 2012, and the date of publication in the Kansas register of the notice prescribed in section 10, K.S.A. 74-4915 is hereby amended to read as follows: 74-4915. (1) Any member who retires on or after such member’s normal retirement date shall be entitled to receive an annual retirement benefit equal to the sum obtained by adding an amount for participating service and an amount for prior service determined as provided in this section. The amount for prior service shall be equal to 1% of the member’s prior service annual salary multiplied by the number of years of prior service entitled to credit as provided in K.S.A. 74-4913, and amendments thereto, except that for members retiring on or after July 1, 1981, who were last employed by a participating employer which had affiliated with the system under K.S.A. 74-4910, 74-4912, 74-4929 or 74-4991, and amendments thereto, except that for members retiring on or after July 1, 1981, who were last employed by a participating employer which had affiliated with the system under K.S.A. 74-4910, 74-4912, 74-4929 or 74-4991, and amendments thereto, except that any increase in benefits under this section shall be reduced by any postretirement benefit adjustments received by such member prior to July 2, 1985, the amount for prior service shall be calculated using final average salary in lieu of prior service annual salary and, in the case of any such member who became a member under subsection (3) of K.S.A. 74-4925, and amendments thereto, and for whom a final average salary cannot be otherwise determined, such member’s final average salary shall be based on all service for which such member received assistance in a plan under subsection (2) of K.S.A. 74-4925, and amendments thereto, as certified by such employer upon request of the board. For any member who retires on or after July 1, 1993, the amount for participating service shall be equal to the total of 1.75% of the member’s final average salary multiplied by the number of years of participating service earned prior to January 1, 2014, and, subject to any election made pursuant to the provisions of section 8, and amendments thereto, 1.4% or 1.85% of the member’s final average salary multiplied by the number of years of participating service earned on and after January 1, 2014. If the federal internal revenue service refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.85% of the members final average salary multiplied by the number of years of participating service earned on and after January 1, 2014. Notwithstanding any provision of law to the contrary, in no event shall service that is purchased under the provisions
of K.S.A. 74-4919a et seq., and amendments thereto, be credited at a rate that exceeds 1.75% of the purchasing member’s final average salary.

(2) (A) Any member who retires on or after July 1, 1993, but before the normal retirement date and has attained age 60 but has not attained age 62 with the completion of 10 years of credited service, shall receive an annual retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date but based upon the member’s final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (ii) the product of .2% multiplied by the number of months’ difference, to the nearest whole month, between the member’s attained age at the time of retirement and age 62.

(B) Any member who retires on or after July 1, 1993, but before the normal retirement date and has attained age 55 but has not attained age 60 with the completion of 10 years of credited service, shall receive an annual retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date but based upon the member’s final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the total of: (i) The product of such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (b) the product of .6% multiplied by the number of months’ difference, to the nearest whole month, between the member’s attained age at the time of retirement and age 60; and

(ii) on and after July 1, 1993, the product of such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by 4.8%.

(3) Upon death of a retirant, there shall be paid to such retirant’s beneficiary an amount equal to the excess, if any, of such retirant’s accumulated contributions over the sum of all retirement benefit payments made.

(4) Such annual retirement benefits shall be paid in equal monthly installments, except that the board may provide for the payment of retirement benefits which total less than $240 a year on other than a monthly basis.

(5) In the event that an application in such form as may be prescribed by the board for any amount due under the provisions of this act, is not filed with the office of the retirement system by the person entitled to same within five years of the date such amount became due and payable, an amount equal to same shall be transferred to the retirement benefit accumulation reserve and such amount shall no longer be due and payable, except that if any such person shall present evidence satisfactory to the board that such person’s failure to file such application within that time period was due to lack of knowledge or incapacity on such person’s part, the amount equal to the amount originally due shall be transferred from the retirement benefit accumulation reserve to the reserve or reserves from
which such transfer was initially made and the amount originally due shall be paid to such person.

(6) The participating employer, when an employee files an application for retirement, shall certify to the system all member contributions of such employee which have not been reported previously. In the event the amount certified results in an overpayment of retirement benefits, the employer shall be held responsible for the contribution amount previously certified from the time of commencement of the overpayment of retirement benefits until the time that such overpayment is discovered by the system. At the time that such overpayment of retirement benefits is discovered by the system, the system shall adjust the amount of retirement benefits paid to the employee to the correct amount based on the participating employer’s certification of member contributions which had not been previously reported. The participating employer of the employee who has had such member’s retirement benefits adjusted as provided in this subsection shall notify such employee of such overpayment and such adjustment of retirement benefits. If the contributions previously certified are lower than the actual amount reported, the employer shall be responsible for remitting the correct amount and the member’s monthly benefit shall be recalculated based on the amount reported by the employer. When an employee in school employment files such an application, the participating employer responsible for any such amounts as provided in this subsection shall be the employee’s eligible employer as specified in subsection (1), (2) or (3) of K.S.A. 74-4931, and amendments thereto, and shall not be the state of Kansas. The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant, any joint annuitant and any beneficiary.

Sec. 3. On July 1, 2012, and the date of publication in the Kansas register of the notice prescribed in section 10, K.S.A. 74-4919 is hereby amended to read as follows: 74-4919. (1) Except as otherwise provided, each participating employer, beginning with the first payroll for services performed after the entry date, shall deduct from the compensation of each member 4% of such member’s compensation as employee contributions. Subject to any election made pursuant to the provisions of section 8, and amendments thereto, each participating employer, for services performed by an employee first employed prior to July 1, 2009, shall deduct from the compensation of each member, the following amounts expressed as a percentage of compensation during the following periods: (a) Commencing January 1, 2014, for members who elected to receive an amount for participating service equal to the total of 1.4% of such member’s final average salary, 4% of such member’s compensation as employee contributions, and (b) Commencing January 1, 2014, for members who elected to receive an amount for participating service equal to the total of 1.85% of such member’s final average salary, who did not make an election pursuant to section
8, and amendments thereto, or if the federal internal revenue service refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto, 5% of such member’s compensation as employee contributions, and commencing January 1, 2015, and in each subsequent calendar year, 6% of such member’s compensation as employee contributions. Such deductions shall be remitted quarterly, or as the board may otherwise provide, to the executive director for deposit in the Kansas public employees retirement fund. Such deductions shall be credited to the members’ individual accounts and interest shall be added annually to such accounts.

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

(b) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a member. A deduction shall be made from each member’s compensation equal to the amount of the member’s contributions picked up by the employer, provided that such deduction shall not reduce the member’s compensation for purposes of computing benefits under the system.

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

Sec. 4. On July 1, 2012, and the date of publication in the Kansas register of the notice prescribed in section 10, K.S.A. 2010 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in subsection (3)(a) of K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall de-
termine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in subsection (3)(a) of K.S.A. 74-4908, and amendments thereto and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer’s participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer’s prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state’s obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer’s contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the au-
hority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state’s contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and amendments thereto, shall in no event exceed the state’s contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar year 2005, an amount not to exceed more than 0.4% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2006, an amount not to exceed more than 0.5% of the amount of the immediately preceding fiscal year; and (C) for the fiscal year commencing in calendar year 2007 and in each subsequent calendar year years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, an
amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2016, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year.

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997, and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer’s contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar year 2006, an amount not to exceed more than 0.4% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2007, an amount not to exceed more than 0.5% of the amount of the immediately preceding fiscal year; and (C) for the fiscal year commencing in calendar year 2008 and in each subsequent calendar year through 2013, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931, and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a combined employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.
(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be amortized over 10 years.

(10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2010 Supp. 74-49,114b, and amendments thereto, for retirants other than local retirants as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007.

(11) The actuarial accrued liability incurred for the provisions of K.S.A. 2010 Supp. 74-49,114b, and amendments thereto, for the KPERS local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen’s retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 2010 Supp. 74-49,114c, and amendments thereto, for retirants other than local retirants as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 2010 Supp. 74-49,114c, and amendments thereto, for the KPERS
local group and retirants who were employees of local employers which affiliated with the Kansas police and firemen’s retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) For employers affiliating on and after January 1, 1999, the rates of contribution certified to the participating employer as provided in this section shall apply during the fiscal year immediately following such certification, but the rate of contribution during the first year following the employer’s entry date shall be equal to 7% of the amount of compensation on which members contribute during the year. Any amount of such first year’s contribution which may be in excess of the necessary current service contribution shall be credited by the board to the respective employer’s prior service liability.

(16) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(17) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204, and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

Sec. 5. On July 1, 2012, and the date of publication in the Kansas register of the notice prescribed in section 10, K.S.A. 2010 Supp. 74-49,205 is hereby amended to read as follows: 74-49,205. For any member who is first employed by a participating employer on or after July 1, 2009, and who retires on or after such member’s normal retirement date, subject to any election made pursuant to the provisions of section 8, and amendments thereto, the amount for participating service shall be equal to the total of 1.75% of the member’s final average salary multiplied by the number of years of participating service earned prior to January 1, 2014, to be used in determining such member’s annual retirement benefit, and, subject to any election made pursuant to the provisions of subsection 8, and amendments thereto, 1.4% of the member’s final average salary multiplied by the
number of years of participating service earned on and after January 1, 2014, to be used in determining such member’s annual retirement benefit, except that if the federal internal revenue services refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.75% of the member’s final average salary multiplied by the number of years of participating service earned on and after January 1, 2014.

Sec. 6. On July 1, 2012, and the date of publication in the Kansas register of the notice prescribed in section 10, K.S.A. 2010 Supp. 74-49,213 is hereby amended to read as follows: 74-49,213. (a) Beginning on July 1, 2010, and on each July 1 thereafter, the retirement benefit, pension or annuity payments to each retirant who retires under this act shall be increased by an annual cost-of-living adjustment in an amount equal to 2.0% multiplied by the retirement benefit, pension or annuity payment in effect on that date and shall be paid by the system to the retirant during each such period. The first increase for such a retirant shall be on the second July 1 following such retirant’s retirement date. Subsequent increases shall occur on each July 1 thereafter.

(b) As used in this section, ‘‘retirant’’ means: (A) Any person who is a member of the Kansas public employees retirement system pursuant to this act and who made an election pursuant to section 8, and amendments thereto, to receive an annual cost-of-living adjustment, who is retired under the provisions of this act, and who is at least 65 years of age; and (B) any person who is a joint annuitant or beneficiary of any member described in clause (A).

Sec. 7. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, ‘‘surplus real estate’’ means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

(b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.
(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

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

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

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

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act July 1, 2012, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state’s title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation
institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for: (A) Rehabilitation and repair or other capital improvements for such institution; or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund Kansas public employees retirement fund to be applied to the payment, in full or in part, of the unfunded actuarial pension liability as directed by the Kansas public employees retirement system. As used in this section, “unfunded actuarial pension liability” means the unfunded actuarially accrued liability of the state for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, portion of such liability of the Kansas public employees retirement system, determined as of the later of December 31, 2011, or the end of the most recent calendar year for which an actuarial valuation report is available.

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

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

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

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

New Sec. 8. (a) The provisions of this section and any related provisions shall not be implemented until the board of trustees of the Kansas public employees retirement system has obtained approval for the election and related provisions specified in this section from the federal internal revenue service. The board may implement the remainder of this act prior to implementation of this section. To that end, this section and provisions related thereto are severable from the remainder of this act and shall be
(b) Except as otherwise provided in this act, a member of the system under the provisions of K.S.A. 74-4901 et seq., and amendments thereto, on July 1, 2013, may elect to: (1) Contribute, commencing January 1, 2014, 5% of such member’s compensation as employee contributions, and commencing January 1, 2015, and in each subsequent calendar year, 6% of such member’s compensation as employee contributions, and to receive an amount for participating service equal to the total of 1.85% of such member’s final average salary; or (2) continue to contribute 4% of such member’s compensation as employee contributions, and to receive an amount for participating service equal to the total of 1.4% of such member’s final average salary. Members shall make such election within a 90-day period established by the board.

(c) Except as otherwise provided in this act, a member of the system under the provisions of the Kansas public employees retirement act of 2009, on July 1, 2013, may elect to: (1) Continue to contribute, commencing January 1, 2014, 6% of such member’s compensation as employee contributions pursuant to K.S.A. 74-49,210, and amendments thereto, receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto, and receive an amount for participating service equal to the total of 1.4% of the member’s final average salary; or (2) continue to contribute 6% of such member’s compensation as employee contributions and not be eligible to receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto. Members who make this election to contribute at the 6% amount pursuant to this subsection and not be eligible to receive an annual cost-of-living adjustment shall receive an amount for participating service equal to the total of 1.75% of the member’s final average salary. Members shall make such election within a 90-day period established by the board.

(d) (1) Elections made pursuant to this section shall be made on a form and in a manner prescribed by the board.

(2) A member failing to make an election pursuant to subsection (b) shall contribute 6% of such member’s compensation as employee contributions, and shall receive an amount for participating service equal to the total of 1.85% of the member’s final average salary.

(3) A member failing to make an election pursuant to subsection (c) shall contribute 6% of such member’s compensation as employee contribution, shall not receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto, and shall receive an amount for participating service equal to the total of 1.75% of the member’s final average salary.

(4) An election under this section, including the default election pursuant to subsection (d)(2) or (d)(3), is a one-time irrevocable election.

(e) The provisions of this section shall take effect July 1, 2012, and
upon the date of publication in the Kansas register of the notice prescribed in section 10.

New Sec. 9. (a) There is hereby established the KPERS study commission. The commission shall study and analyze the current KPERS retirement system and systems related thereto, and develop a viable plan to ensure the long-term sustainability of the system. The commission shall particularly study and review the advantages and disadvantages of implementing a defined benefit, defined contribution or hybrid defined benefit/defined contribution retirement benefit plan, or other plan options.

(b) (1) The KPERS study commission shall consist of 13 voting members. The 13 members shall be appointed as follows: (A) Four members of the legislature appointed as follows: One shall be appointed by the president of senate, one shall be appointed by the minority leader of the senate, one shall be appointed by the speaker of the house of representatives and one shall be appointed by the minority leader of the house of representatives;

(B) four at-large members appointed as follows: One shall be appointed by the president of the senate, one appointed by the minority leader of the senate, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives; and

(C) five members appointed by the governor, one of such members shall have been regularly admitted to practice law in the state of Kansas and have engaged in the active practice of law as a lawyer.

(2) The executive director of the Kansas public employees retirement system, the director of the budget, the revisor of statutes and the director of legislative research shall be non-voting, ex officio members of the commission.

(c) The commission shall elect from among its voting members a chairperson. Any vacancy in the membership of the commission shall be filled by appointment in the manner prescribed by this section for the original appointment.

(d) A quorum of the commission shall be six members. All actions of the commission shall be taken by a majority of all members of the commission.

(e) Members of the commission shall receive expenses, mileage and subsistence as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(f) The staff of the office of revisor of statutes, the Kansas legislative research department and other central legislative staff service agencies shall provide such assistance as may be requested by the commission.

(g) The commission shall submit a report to the legislature and the joint committee on pensions, investment and benefits before January 6, 2012, with any findings and recommendations which the commission deems necessary including the recommendation of any legislation. To carry out the recommendations of the commission, one bill shall be introduced in the
senate and one bill shall be introduced in the house of representatives, which such bills shall contain the exact same provisions, during the 2012 legislative session.

New Sec. 10. The revisor of statutes and the director of legislative research shall jointly certify to the secretary of state that the legislature has received and taken action during the regular session of the legislature held in 2012 on the recommendations, including any legislation, of the KPERS study commission created pursuant to section 9 as included in the report submitted to the legislature and the joint committee on pensions, investments and benefits by such commission. For purposes of this section, “taken action” shall mean at least one house of the legislature holding one or more public hearings in one or more committees and voting on final action by any such committee on a bill prescribed by subsection (g) of section 9, and amendments thereto, or a bill containing the exact same provisions of any such bill prescribed by subsection (g) of section 9, and amendments thereto, and the other house of the legislature voting on final action in committee of the whole on a bill prescribed by subsection (g) of section 9, and amendments thereto, or a bill containing the exact same provisions of any such bill prescribed by subsection (g) of section 9, and amendments thereto. Upon receipt of such certification, the secretary of state shall cause a notice of such certification to be published in the Kansas register.

New Sec. 11.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On and after July 1, 2011, during the fiscal year ending June 30, 2012, in addition to other purposes for which expenditures may be made by the above agency from the agency operations account of the Kansas public employees retirement fund for fiscal year 2012 as authorized by any appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the above agency to provide actuarial services for the KPERS study commission. All such expenditures shall be in addition to any other expenditure limitation imposed on expenditures from the agency operations account of the Kansas public employees retirement fund for fiscal year 2012, except that such expenditures shall not exceed $60,000.


Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 25, 2011.
CHAPTER 99
SENATE BILL No. 61

AN ACT concerning taxation; relating to income tax credits, individual development accounts, contribution amounts; tax information, disclosure to state treasurer in certain circumstances, unclaimed property; amending K.S.A. 2010 Supp. 74-50,208 and 79-3234 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 74-50,208 is hereby amended to read as follows: 74-50,208. (a) A program contributor shall be allowed a credit against state income tax imposed under the Kansas income tax act in an amount not to exceed 50% of the contribution amount. If the amount of the credit allowed by this section exceeds the taxpayer’s income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer. No credit pursuant to this section shall be allowed for any contribution made by a program contributor which also qualified for a community services tax credit pursuant to the provisions of K.S.A. 79-32,195 et seq., and amendments thereto.

(b) The administration of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to the individual development account reserve fund for the calendar year. The secretary of revenue shall determine the date by which such information shall be submitted to the department of revenue by the local administrator.

(c) The total tax credits authorized pursuant to this section shall not exceed $500,000 in any fiscal year.

(d) The provisions of this section shall be applicable to all taxable years commencing after December 31, 2004.

Sec. 2. K.S.A. 2010 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or
indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

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

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

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

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

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2010 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2010 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2010 Supp. 74-50,215, and amendments thereto;

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

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

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

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

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

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

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

(13) provide taxpayer information of persons suspected of violating K.S.A. 2010 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2010 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A.
79-3294 et seq., as amended and amendments thereto, and the results or status of such audit or investigation; and
(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, ‘‘associated persons’’ includes spouses or dependents listed on income tax returns.

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

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

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

Sec. 3. K.S.A. 2010 Supp. 74-50,208 and 79-3234 are hereby repealed.

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

Approved May 25, 2011.

Published in the Kansas Register June 2, 2011.

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

New Section 1. (a) An individual who has been adjudicated as a mentally ill person subject to involuntary commitment for care and treatment, or who is prohibited from shipping, transporting, possessing or receiving firearms or ammunition by subsection (d)(4) or (g)(4) of 18 U.S.C. § 922, may petition for relief of disabilities for the purpose of firearm prohibitions imposed under state and federal laws.

(b) A petitioner shall submit such petition to a court of competent jurisdiction within this state.

(c) The court may only consider petitions for relief due to mental health adjudications or commitments that occurred within the state.

(d) The court shall consider the petition for relief, in accordance with the principles of due process. Such petitioner shall submit, and such court shall receive and consider:

1. The circumstances regarding the firearm disability imposed by federal law;
2. such petitioner’s mental health records;
3. such petitioner’s criminal history records; and
4. such petitioner’s reputation, developed through character witness statements, testimony or other character evidence.

(e) The court shall grant relief only if such court determines there is clear and convincing evidence that:

1. The petitioner will not be likely to act in a manner dangerous to public safety; and
2. granting such relief would not be contrary to the public interest.

(f) If the court denies the petition for relief, the petitioner may petition a court of proper jurisdiction for a de novo judicial review of the court’s decision to deny such petition.

(g) Documentation of a granted petition shall be submitted to the Kansas bureau of investigation. The Kansas bureau of investigation shall immediately cause such order to be entered into the appropriate state and federal databases.

(h) As used in this section:
(1) “Mentally ill person subject to involuntary commitment for care and treatment” has the same meaning as defined in K.S.A. 59-2946, and amendments thereto.

(2) ‘‘Due process’’ requires that:
   (A) The petitioner shall have the opportunity to submit such petitioner’s own evidence to the court;
   (B) an independent decision maker, other than the individual who gathered the evidence for the court acting on the application, shall review such evidence; and
   (C) a record of the proceedings shall be created and maintained for review.

Sec. 2. K.S.A. 2010 Supp. 12-4509 is hereby amended to read as follows: 12-4509. (a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:
   (1) Release the person without imposition of sentence;
   (2) release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); or
   (3) impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation; or
   (4) impose a sentence of house arrest as provided in section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.

(c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under 21 years of age, an ordinance prohibiting an act prohibited by K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 8-1599, 41-719 or 41-727, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.

(d) If the person is 18 or more years of age but less than 21 years of age and is convicted of a violation of K.S.A. 41-727, and amendments
thereto, involving cereal malt beverage, the provisions of subsection (c) are permissive and not mandatory.

(e) The court may impose any conditions of probation or suspension of sentence that the court deems proper, including, but not limited to, requiring that the defendant:
   (1) Avoid such injurious or vicious habits, as directed by the court or the probation officer;
   (2) avoid such persons or places of disreputable or harmful character, as directed by the court or the probation officer;
   (3) report to the probation officer as directed;
   (4) permit the probation officer to visit the defendant at home or elsewhere;
   (5) work faithfully at suitable employment insofar as possible;
   (6) remain within the state unless the court grants permission to leave;
   (7) pay a fine or costs, applicable to the ordinance violation, in one or several sums and in the manner as directed by the court;
   (8) support the defendant’s dependents;
   (9) reside in a residential facility located in the community and participate in educational counseling, work and other correctional or rehabilitative programs;
   (10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;
   (11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;
   (12) make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant’s crime, in an amount and manner determined by the court and to the person specified by the court; or
   (13) reimburse the city, in accordance with any order made under subsection (f), for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant.

(f) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance the judge may order such person to reimburse the city for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of
the amount due will impose manifest hardship on the defendant or the defendant’s immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

Sec. 3.  K.S.A. 2010 Supp. 12-4516a, as amended by section 103 of 2011 House Bill No. 2339, is hereby amended to read as follows: 12-4516a.
(a) Any person who has been arrested on a violation of a city ordinance of this state may petition the court for the expungement of such arrest record.
(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. The petition shall state: (1) The petitioner’s full name;
                   (2) the full name of the petitioner at the time of arrest, if different than the petitioner’s current name;
                   (3) the petitioner’s sex, race and date of birth;
                   (4) the crime for which the petitioner was arrested;
                   (5) the date of the petitioner’s arrest, and
                   (6) the identity of the arresting law enforcement agency.
A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section, except that no fee shall be charged to a person who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.
(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;
                   (2) a court has found that there was no probable cause for the arrest;
                   (3) the petitioner was found not guilty in court proceedings; or
                   (4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.
(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the
federal bureau of investigation, the secretary of corrections and any other
criminal justice agency which may have a record of the arrest. If an order
of expungement is entered, the petitioner shall be treated as not having been
arrested.

e) If the ground for expungement is as provided in subsection (c)(4),
the court shall determine whether, in the interest of public welfare, the
records should be available for any of the following purposes: (1) In any
application for employment as a detective with a private detective agency,
as defined by K.S.A. 75-7b01 and amendments thereto; as security person-
nel with a private patrol operator, as defined by K.S.A. 75-7b01 and amend-
ments thereto; or with an institution, as defined in K.S.A. 76-12a01 and
amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement,
to the practice of law in this state;

(3) to aid in determining the petitioner’s qualifications for employment
with the Kansas lottery or for work in sensitive areas within the Kansas
lottery as deemed appropriate by the executive director of the Kansas lot-
tery;

(4) to aid in determining the petitioner’s qualifications for executive
director of the Kansas racing commission, for employment with the com-
mission or for work in sensitive areas in parimutuel racing as deemed ap-
propriate by the executive director of the commission, or to aid in deter-
mining qualifications for licensure or renewal of licensure by the
commission;

(5) in any application for a commercial driver’s license under K.S.A.
8-2,125 through 8-2,142 and amendments thereto;

(6) to aid in determining the petitioner’s qualifications to be an em-
ployee of the state gaming agency;

(7) to aid in determining the petitioner’s qualifications to be an em-
ployee of a tribal gaming commission or to hold a license issued pursuant
to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

f) The court shall make all expunged records and related information
in such court’s possession, created prior to, on and after July 1, 2011,
available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person’s criminal history record information within
the central repository in accordance with K.S.A. 22-4701 et seq., and
amendments thereto; or

(2) providing information or documentation to the federal bureau of
investigation, in connection with the national instant criminal background
check system, to determine a person’s qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any
application for employment, license or other civil right or privilege, or any
appearance as a witness, a person whose arrest records have been expunged
as provided in this section may state that such person has never been arrested.

\( (h) \) Whenever a petitioner’s arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

Sec. 4. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2011, the supreme court may impose an additional charge, not to exceed $15 per docket fee, to fund the costs of nonjudicial personnel. The petition shall state:

1. The petitioner’s full name;
2. The full name of the petitioner at the time of arrest, if different than the petitioner’s current name;
3. The petitioner’s sex, race and date of birth;
4. The crime for which the petitioner was arrested;
5. The date of the petitioner’s arrest; and
6. The identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed. Any person
who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding:
   (1) The arrest occurred because of mistaken identity;
   (2) a court has found that there was no probable cause for the arrest;
   (3) the petitioner was found not guilty in court proceedings; or
   (4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes:
   (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
   (2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
   (3) to aid in determining the petitioner’s qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
   (4) to aid in determining the petitioner’s qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
   (5) in any application for a commercial driver’s license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
   (6) to aid in determining the petitioner’s qualifications to be an employee of the state gaming agency;
   (7) to aid in determining the petitioner’s qualifications to be an em-
ployee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court’s possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person’s criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person’s qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a petitioner’s arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(i) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 5. K.S.A. 2010 Supp. 22-2502 is hereby amended to read as follows: 22-2502. (a) A search warrant shall be issued only upon the oral or written statement, including those conveyed or received by electronic communication, of any person under oath or affirmation which states facts sufficient to show probable cause that a crime has been or is being committed and which particularly describes a person, place or means of conveyance to be searched and things to be seized. Any statement which is made orally shall be either taken down by a certified shorthand reporter, sworn to under oath and made part of the application for a search warrant, or recorded before the magistrate from whom the search warrant is requested and sworn to under oath. Any statement orally made shall be reduced to writing as soon thereafter as possible. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate may issue a search warrant for the seizure of the following:

(1) Any things which have been used in the commission of a crime, or any contraband or any property which constitutes or may be considered a part of the evidence, fruits or instrumentalities of a crime under the laws of this state, any other state or of the United States. The term “fruits” as
used in this act shall be interpreted to include any property into which the
thing or things unlawfully taken or possessed may have been converted.

(2) Any person who has been kidnapped in violation of the laws of this
state or who has been kidnapped in another jurisdiction and is now con-
cealed within this state.

(3) Any human fetus or human corpse.

(4) Any person for whom a valid felony arrest warrant has been issued
in this state or in another jurisdiction.

(5) (A) Any information concerning the user of an electronic commu-
nication service; any information concerning the location of electronic
communications systems, including, but not limited to, towers transmitting
cellular signals involved in any wire communication; and any other infor-
mation made through an electronic communications system.

(B) The jurisdiction granted in this paragraph shall extend to informa-
tion held by entities registered to do business in the state of Kansas,
submitting to the jurisdiction thereof, and entities primarily located outside
the state of Kansas if the jurisdiction in which the entity is primarily located
recognizes the authority of the magistrate to issue the search warrant.

(b) Before ruling on a request for a search warrant, the magis-
trate may require the affiant to appear personally and may examine
under oath the affiant and any witnesses that the affiant may produce. Such proceeding
shall be taken down by a certified shorthand reporter or recording equip-
ment and made part of the application for a search warrant.

(c) Affidavits or sworn testimony in support of the probable cause re-
quirement of this section shall not be made available for examination with-
out a written order of the court, except that such affidavits or testimony
when requested shall be made available to the defendant or the defendant’s
counsel for such disposition as either may desire.

(d) As used in this section: (1) “Electronic communication” means
the use of electronic equipment to send or transfer a copy of an original
document; and

(2) “electronic communication service” and “electronic communi-
cation system” have the meaning as defined in K.S.A. 22-2514, and amend-
ments thereto.

(e) Nothing in this section shall be construed as requiring a search
warrant for cellular location information in an emergency situation pur-
suant to K.S.A. 22-4615, and amendments thereto.

Sec. 6. K.S.A. 2010 Supp. 22-2516 is hereby amended to read as fol-
low: 22-2516. (1) Each application for an order authorizing the intercep-
tion of a wire, oral or electronic communication shall be made in writing,
upon oath or affirmation, to a judge of competent jurisdiction, and shall
state the applicant’s authority to make such application. Each application
shall include the following information:

(a) The identity of the prosecuting attorney making the application, and
the identity of the investigative or law enforcement officer requesting such application to be made;

(b) a full and complete statement of the facts and circumstances relied upon by the applicant to justify such applicant’s belief that an order should be issued, including (i) details as to the particular offense that has been, is being or is about to be committed, (ii) except as provided in subsection (10), a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, and (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) a statement of the period of time for which the interception is required to be maintained and, if the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication first has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(e) a full and complete statement of the facts known to the applicant concerning all previous applications made to any judge for authorization to intercept wire, oral or electronic communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

(2) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application. Oral testimony shall be under oath or affirmation, and a record of such testimony shall be made by a certified shorthand reporter and reduced to writing.

(3) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing the interception of wire, oral or electronic communications within the territorial jurisdiction of such judge, if the judge determines on the basis of the facts submitted by the applicant that:

(a) There is probable cause for belief that a person is committing, has committed or is about to commit a particular offense enumerated in subsection (1) of K.S.A. 22-2515, and amendments thereto;

(b) there is probable cause for belief that particular communications concerning the offense will be obtained through such interception;

(c) normal investigative procedures have been tried and have failed, or reasonably appear to be unlikely to succeed if tried, or to be too dangerous; and
(d) except as provided in subsection (10), there is probable cause for belief that the facilities from which, or the place where, the wire, oral or electronic communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of or commonly used by such person.

(4) Each order authorizing the interception of any wire, oral or electronic communication shall:

(a) Specify the identity of the person, if known, whose communications are to be intercepted;

(b) specify the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

(c) specify with particularity a description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;

(d) specify the identity of each agency authorized to intercept the communications, and of the person authorizing the application;

(e) specify the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained; and

(f) upon request of the applicant, direct that a provider of wire communication, or electronic communication service, regardless of the location or principal place of business of such provider of electronic communication service, or public utility, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such service provider, utility, landlord, custodian or person is according the person whose communications are to be intercepted. Any provider of wire or electronic communication service or public utility, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant for reasonable expenses incurred in providing such facilities or technical assistance.

(5) No order entered under this section may authorize the interception of any wire, oral or electronic communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than 30 days. Such thirty-day period begins on the earlier of the day on which the investigative or law enforcement officer first begins to conduct an interception under the order or 10 days after the order is entered. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (1) of this section and the court making the findings required by subsection (3) of this section. The period of any such extension shall be no longer than the authorization judge deems necessary to achieve the purposes for which it was granted and in no event for longer than 30 days. Every order and extension thereof shall contain a
provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this act, and must terminate upon attainment of the authorized objective, or in any event in 30 days. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after such interception. An interception under this chapter may be conducted in whole or in part by government personnel, or by an individual operating under a contract with the government, acting under the supervision of an investigative or law enforcement officer authorized to conduct the interception.

(6) Whenever an order authorizing the interception of wire or oral communications is entered pursuant to this act, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the judge may require.

(7) (a) The contents of any wire, oral or electronic communication intercepted by any means authorized by this act shall be recorded, if possible, on tape or wire or other comparable device. The recording of the contents of any wire, oral or electronic communication under this subsection shall be done in a manner which will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under such judge’s directions. Custody of the recordings shall be wherever the judge orders, and the recordings shall not be destroyed except upon order of the issuing or denying judge and, in any event, shall be kept for not less than 10 years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsections (b) and (c) of K.S.A. 22-2515, and amendments thereto, for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire, oral or electronic communication or evidence derived therefrom under subsection (d) of K.S.A. 22-2515, and amendments thereto.

(b) Applications made and orders granted under this act shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for not less than 10 years.

(c) Any violation of the provisions of paragraph (a) or (b) of this subsection may be punished as contempt of the issuing or denying judge.

(d) Within a reasonable time but not later than 90 days after the ter-
mination of the period of an order or extensions thereof the issuing or denying judge shall cause to be served on the persons named in the order or the application and, in the interest of justice, such other parties to intercepted communications as the judge may determine, an inventory which shall include notice of:

(i) The fact of the entry of the order or the application;
(ii) the date of the entry and the period of authorized, approved or disapproved interception, or the denial of the application; and
(iii) the fact that during the period wire, oral or electronic communications were or were not intercepted.

The judge, upon the filing of a motion in such judge’s discretion, may make available to such person or such person’s counsel for inspection, such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge of competent jurisdiction the serving of the inventory required by this subsection may be postponed.

(8) The contents of any intercepted wire, oral or electronic communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any federal court or court of this state, unless each party, not less than 10 days before the trial, hearing or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized. Such ten-day period may be waived by the judge, if the judge finds that it was not possible to furnish the party with the above information 10 days before the trial, hearing or proceeding, and that the party will not be prejudiced by the delay in receiving such information.

(9) (a) Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency, regulatory body or other authority of the United States, this state, or a political subdivision thereof, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

(i) The communication was unlawfully intercepted;
(ii) the order of authorization under which it was intercepted is insufficient on its face; or
(iii) the interception was not made in conformity with the order of authorization.

Such motion shall be made before the trial, hearing or proceeding, unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this act. Upon the filing of such motion by the aggrieved person, the judge in such judge’s discretion may make available to the aggrieved person or such person’s counsel for inspection such portions of the intercepted communication or
evidence derived therefrom as the judge determines to be in the interest of justice.

(b) In addition to any other right to appeal, the state shall have the right to appeal:

(i) From an order granting a motion to suppress made under paragraph (a) of this subsection. Such appeal shall be taken within 14 days after the order of suppression was entered and shall be diligently prosecuted as in the case of other interlocutory appeals or under such rules as the supreme court may adopt;

(ii) from an order denying an application for an order authorizing the interception of wire or oral communications, and any such appeal shall be ex parte and shall be in camera in preference to all other pending appeals in accordance with rules promulgated by the supreme court.

(10) The requirements of subsections (1)(b)(ii) and (3)(d) of this section relating to the specification of the facilities from which, or the place where, the communication is to be intercepted do not apply if:

(a) In the case of an application with respect to the interception of an oral communication:

(i) The application is by a law enforcement officer and is approved by the attorney general and the county or district attorney where the application is sought;

(ii) the application contains a full and complete statement as to why such specification is not practical and identifies the person committing the offense and whose communications are to be intercepted; and

(iii) the judge finds that such specification is not practical; and

(b) in the case of an application with respect to a wire or electronic communication:

(i) The application is by a law enforcement officer and is approved by the attorney general and the county or district attorney where the application is sought;

(ii) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing of a purpose, on the part of that person, to thwart interception by changing facilities; and

(iii) the judge finds that such purpose has been adequately shown.

(11) An interception of a communication under an order with respect to which the requirements of subsections (1)(b)(ii) and (3)(d) of this section do not apply by reason of subsection (10) shall not begin until the facilities from which, or the place where, the communication is to be intercepted is ascertained by the person implementing the interception order. A provider of wire or electronic communications service that has received an order as provided for in subsection (10)(b) may move the court to modify or quash the order on the ground that its assistance with respect to the interception cannot be performed in a timely or reasonable fashion. The court, upon notice to the government, shall decide such a motion expeditiously.
The remedies and sanctions described in this chapter with respect to the interception of electronic communications are the only judicial remedies and sanctions for nonconstitutional violations of this act involving such communications.

Nothing in this section shall be construed as requiring a search warrant for cellular location information in an emergency situation pursuant to K.S.A. 22-4615, and amendments thereto.

Sec. 7. K.S.A. 2010 Supp. 22-2802, as amended by section 118 of 2011 House Bill No. 2339, is hereby amended to read as follows: 22-2802. (1) Any person charged with a crime shall, at the person’s first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person’s appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (14) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(a) Place the person in the custody of a designated person or organization agreeing to supervise such person;
(b) place restrictions on the travel, association or place of abode of the person during the period of release;
(c) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;
(d) place the person under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or
(e) place the person under the supervision of a court services officer responsible for monitoring the person’s compliance with any conditions of release ordered by the magistrate. The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed $15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the $15 per week.

(2) In addition to any conditions of release provided in subsection (1),
for any person charged with a felony, the magistrate may order such person
to submit to a drug and alcohol abuse examination and evaluation in a
public or private treatment facility or state institution and, if determined by
the head of such facility or institution that such person is a drug or alcohol
abuser or is incapacitated by drugs or alcohol, to submit to treatment for
such drug or alcohol abuse, as a condition of release.

(3) The appearance bond shall be executed with sufficient solvent sur-
eties who are residents of the state of Kansas, unless the magistrate deter-
mines, in the exercise of such magistrate’s discretion, that requiring sureties
is not necessary to assure the appearance of the person at the time ordered.

(4) A deposit of cash in the amount of the bond may be made in lieu
of the execution of the bond pursuant to paragraph subsection (3). Except
as provided in paragraph subsection (5), such deposit shall be in the full
amount of the bond and in no event shall a deposit of cash in less than the
full amount of bond be permitted. Any person charged with a crime who
is released on a cash bond shall be entitled to a refund of all moneys paid
for the cash bond, after deduction of any outstanding restitution, costs, fines
and fees, after the final disposition of the criminal case if the person com-
plies with all requirements to appear in court. The court may not exclude
the option of posting bond pursuant to paragraph subsection (3).

(5) Except as provided further, the amount of the appearance bond shall
be the same whether executed as described in subsection (3) or posted with
a deposit of cash as described in subsection (4). When the appearance bond
has been set at $2,500 or less and the most serious charge against the person
is a misdemeanor, a severity level 8, 9 or 10 nonperson felony, a drug
severity level 4 felony or a violation of K.S.A. 8-1567, and amendments
thereto, the magistrate may allow the person to deposit cash with the clerk
in the amount of 10% of the bond, provided the person meets at least the
following qualifications:

(A) Is a resident of the state of Kansas;
(B) has a criminal history score category of G, H or I;
(C) has no prior history of failure to appear for any court appearances;
(D) has no detainer or hold from any other jurisdiction;
(E) has not been extradited from, and is not awaiting extradition to,
another state; and
(F) has not been detained for an alleged violation of probation.

(6) In the discretion of the court, a person charged with a crime may
be released upon the person’s own recognizance by guaranteeing payment
of the amount of the bond for the person’s failure to comply with all require-
ments to appear in court. The release of a person charged with a crime upon
the person’s own recognizance shall not require the deposit of any cash by
the person.

(7) The court shall not impose any administrative fee.

(8) In determining which conditions of release will reasonably assure
appearance and the public safety, the magistrate shall, on the basis of avail-
able information, take into account the nature and circumstances of the
crime charged; the weight of the evidence against the defendant; whether
the defendant is lawfully present in the United States; the defendant’s family
ties, employment, financial resources, character, mental condition, length
of residence in the community, record of convictions, record of appearance
or failure to appear at court proceedings or of flight to avoid prosecution;
the likelihood or propensity of the defendant to commit crimes while on
release, including whether the defendant will be likely to threaten, harass
or cause injury to the victim of the crime or any witnesses thereto; and
whether the defendant is on probation or parole from a previous offense at
the time of the alleged commission of the subsequent offense.

(9) The appearance bond shall set forth all of the conditions of release.

(10) A person for whom conditions of release are imposed and who
continues to be detained as a result of the person’s inability to meet the
conditions of release shall be entitled, upon application, to have the con-
ditions reviewed without unnecessary delay by the magistrate who imposed
them. If the magistrate who imposed conditions of release is not available,
any other magistrate in the county may review such conditions.

(11) A magistrate ordering the release of a person on any conditions
specified in this section may at any time amend the order to impose addi-
tional or different conditions of release. If the imposition of additional or
different conditions results in the detention of the person, the provisions of
subsection (10) shall apply.

(12) Statements or information offered in determining the conditions
of release need not conform to the rules of evidence. No statement or ad-
mission of the defendant made at such a proceeding shall be received as
evidence in any subsequent proceeding against the defendant.

(13) The appearance bond and any security required as a condition of
the defendant’s release shall be deposited in the office of the magistrate or
the clerk of the court where the release is ordered. If the defendant is bound
to appear before a magistrate or court other than the one ordering the re-
lease, the order of release, together with the bond and security shall be
transmitted to the magistrate or clerk of the court before whom the defend-
ant is bound to appear.

(14) Proceedings before a magistrate as provided in this section to de-
terminate the release conditions of a person charged with a crime including
release upon execution of an appearance bond may be conducted by two-
way electronic audio-video communication between the defendant and the
judge in lieu of personal presence of the defendant or defendant’s counsel
in the courtroom in the discretion of the court. The defendant may be ac-
companied by the defendant’s counsel. The defendant shall be informed of
the defendant’s right to be personally present in the courtroom during such
proceeding if the defendant so requests. Exercising the right to be present
shall in no way prejudice the defendant.

(15) The magistrate may order the person to pay for any costs associ-
ated with the supervision of the conditions of release of the appearance bond in an amount not to exceed $15 per week of such supervision. As a condition of sentencing under section 244 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court may impose the full amount of any such costs in addition to the $15 per week, including, but not limited to, costs for treatment and evaluation under subsection (2).

Sec. 8. K.S.A. 22-3001 is hereby amended to read as follows: 22-3001.

(a) A majority of the district judges in any judicial district may order a grand jury to be summoned in any county in the district when it is determined to be in the public interest.

(b) The district or county attorney in such attorney’s county may petition the chief judge or the chief judge’s designee in such district court to order a grand jury to be summoned in the designated county in the district to investigate alleged violations of an off-grid felony, a severity level 1, 2, 3 or 4 felony or a drug severity level 1 or 2 felony. The chief judge or the chief judge’s designee in the district court of the county shall then consider the petition and, if it is found that the petition is in proper form, as set forth in this subsection, shall order a grand jury to be summoned.

(c) A grand jury shall be summoned in any county within 60 days after a petition praying therefor is presented to the district court, bearing the signatures of a number of electors equal to 100 plus 2% of the total number of votes cast for governor in the county in the last preceding election. The petition shall be in substantially the following form:

The undersigned qualified electors of the county of __________ and state of Kansas hereby request that the district court of __________ county, Kansas, within 60 days after the filing of this petition, cause a grand jury to be summoned in the county to investigate alleged violations of law and to perform such other duties as may be authorized by law.

The signatures to the petition need not all be affixed to one paper, but each paper to which signatures are affixed shall have substantially the foregoing form written or printed at the top thereof. Each signer shall add to such signer’s signature such signer’s place of residence, giving the street and number or rural route number, if any. One of the signers of each paper shall verify upon oath that each signature appearing on the paper is the genuine signature of the person whose name it purports to be and that such signer believes that the statements in the petition are true. The petition shall be filed in the office of the clerk of the district court who shall forthwith transmit it to the county election officer, who shall determine whether the persons whose signatures are affixed to the petition are qualified electors of the county. Thereupon, the county election officer shall return the petition to the clerk of the district court, together with such election officer’s certificate stating the number of qualified electors of the county whose signatures appear on the petition and the aggregate number of votes cast for all candidates for governor in the county in the last preceding election. The judge or judges of the district court of the county shall then consider
the petition and, if it is found that the petition is in proper form and bears the signatures of the required number of electors, a grand jury shall be ordered to be summoned.

(2) (d) The grand jury shall consist of 15 members and shall be drawn and summoned in the same manner as petit jurors for the district court. Twelve members thereof shall constitute a quorum. The judge or judges ordering the grand jury shall direct that a sufficient number of legally qualified persons be summoned for service as grand jurors.

Sec. 9. K.S.A. 22-3601 is hereby amended to read as follows: 22-3601.

(a) Any appeal permitted to be taken from a district court’s final judgment of a district court in a criminal case shall be taken to the court of appeals, except in those cases reviewable by law in the district court and those cases where or in which a direct appeal to the supreme court is required. Whenever an interlocutory appeal is permitted in a criminal case in the district court, such appeal shall be taken to the court of appeals.

(b) Any appeal permitted to be taken from a district court’s final judgment of a district court in a criminal case shall be taken directly to the supreme court in the following cases:

(1) Any case in which the defendant has been convicted of a class A felony or in which a maximum sentence of life imprisonment has been imposed or for crimes committed on or after July 1, 1993, any case in which the defendant has been convicted of an off-grid crime; and

(2) Any case in which a statute of this state or of the United States has been held unconstitutional.

(2) Any case in which the defendant has been convicted of a class A felony;

(3) Any case in which a maximum sentence of life imprisonment has been imposed, unless the maximum sentence has been imposed pursuant to K.S.A. 21-4643, prior to its repeal, or section 267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(4) Except as provided further, any case in which the crime was committed on or after July 1, 1993, and the defendant has been convicted of an off-grid crime. The provisions of this paragraph shall not apply to any case in which the off-grid crime was:

(A) Aggravated human trafficking, subsection (c)(2)(B) of section 61 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(B) Rape, subsection (b)(2)(B) of section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(C) Aggravated criminal sodomy, subsection (c)(2)(B)(ii) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(D) Aggravated indecent liberties with a child, subsection (c)(2)(C)(ii) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(E) sexual exploitation of a child, subsection (b)(2)(B) of section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
(F) promoting prostitution, subsection (b)(4) of section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or
(G) an attempt, conspiracy or criminal solicitation, as defined in section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of any such felony.

Sec. 10. K.S.A. 22-4603 is hereby amended to read as follows:

22-4603. (1) Whenever any able-bodied prisoner is confined in the county jail or the jail of any town or city, having been convicted of a misdemeanor or the jail of any town or city, the sheriff of such county, or the marshal or the chief of police of such town or city, under the direction of the county commissioners or the governing body of the town or city, may cause such persons to work at suitable public or charitable employment for not to exceed more than eight hours on each working day.

(2) A person so employed shall be given credit at the rate of five dollars a day on any fine and costs imposed upon him, receive a credit on any fine and costs imposed in an amount equal to $5 for each full hour spent by the person in the specified work.

(3) Persons held in jail and awaiting trial or held on civil process, may, with their consent, be likewise so employed and shall receive a credit on any fines and costs in an amount equal to $5 for each full hour spent by the person in the specified work, or if there are no such fines and costs, compensation at the rate of five dollars a day for such employment in an amount agreed to by the person and the city or county, but not less than $5 a day, to be paid by the city or the county.

(4) Any prisoner employed as above provided, shall continue to be deemed prisoners during the hours of their employment and subject to all laws, rules and regulations relating to prisoners.

Sec. 11. K.S.A. 22-4701 is hereby amended to read as follows:

22-4701. As used in this act, unless the context clearly requires otherwise:
(a) "Central repository" means the criminal justice information system central repository created by this act and the juvenile offender information system created pursuant to K.S.A. 2007 Supp. 38-2326, and amendments thereto.
(b) "Criminal history record information" means all data initiated or collected by a criminal justice agency on a person pertaining to a reportable event, and any supporting documentation. The term Criminal history record information does not include:
   (1) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;
   (2) wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions;
(3) data pertaining to violations of the traffic laws of the state or any 
other traffic law or ordinance, other than vehicular homicide; or 
(4) presentence investigation and other reports prepared for use by a 
court in the exercise of criminal jurisdiction or by the governor in the ex-
ercise of the power of pardon, reprieve or commutation.

(c) "Criminal justice agency" means any government agency or sub-
division of any such agency which is authorized by law to exercise the 
power of arrest, detention, prosecution, adjudication, correctional supervi-
sion, rehabilitation or release of persons suspected, charged or convicted of 
a crime and which allocates a substantial portion of its annual budget to 
any of these functions. The term includes, but is not limited to, the following 
agencies, when exercising jurisdiction over criminal matters or criminal 
history record information:

(1) State, county, municipal and railroad police departments, sheriffs’ 
offices and countywide law enforcement agencies, correctional facilities, 
jails and detention centers;

(2) the offices of the attorney general, county or district attorneys and 
any other office in which are located persons authorized by law to prosecute 
persons accused of criminal offenses;

(3) the district courts, the court of appeals, the supreme court, the mu-
nicipal courts and the offices of the clerks of these courts;

(4) the Kansas sentencing commission;

(5) the Kansas parole board; and

(6) the juvenile justice authority.

(d) "Criminal justice information system" means the equipment (in-
cluding computer hardware and software), facilities, procedures, agree-
ments and personnel used in the collection, processing, preservation and 
dissemination of criminal history record information.

(e) "Director" means the director of the Kansas bureau of investiga-
tion.

(f) "Disseminate" means to transmit criminal history record informa-
tion in any oral or written form. The term does not include:

(1) The transmittal of such information within a criminal justice 
agency;

(2) the reporting of such information as required by this act; or

(3) the transmittal of such information between criminal justice agen-
cies in order to permit the initiation of subsequent criminal justice pro-
cedings against a person relating to the same offense.

(g) "Reportable event" means an event specified or provided for in 
K.S.A. 22-4705, and amendments thereto.

Sec. 12. K.S.A. 22-4705 is hereby amended to read as follows: 22-
4705. (a) The following events are reportable events under this act:

(1) Issuance of an arrest warrant;

(2) an arrest;
(3) release of a person after arrest without the filing of a charge;
(4) dismissal or quashing of an indictment or criminal information;
(5) an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;
(6) imposition of a sentence;
(7) commitment to a correctional facility, whether state or locally operated;
(8) release from detention or confinement;
(9) an escape from confinement;
(10) a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;
(11) judgment of an appellate court that modifies or reverses the lower court decision;
(12) order of a court in a collateral proceeding that affects a person’s conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; and
(13) any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.

(b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information. The central repository shall be operated by the Kansas bureau of investigation under the administrative control of the director.

(c) Except as otherwise provided by this subsection, every criminal justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this act. A criminal justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only when required by rules and regulations adopted by the director.

(d) Reporting methods may include:
(1) Submittal of criminal history record information by a criminal justice agency directly to the central repository;
(2) if the information can readily be collected and reported through the court system, submittal to the central repository by the administrative office of the courts; or
(3) if the information can readily be collected and reported through criminal justice agencies that are part of a geographically based information system, submittal to the central repository by the agencies.

(e) Nothing in this section shall prevent a criminal justice agency from maintaining more detailed information than is required to be reported to the central repository. However, the dissemination of that criminal history record information is governed by the provisions of this act.

(f) The director may determine, by rule and regulation, the reportable
events to be reported by each criminal justice agency, in order to avoid duplication in reporting.

(g) Except as otherwise provided in this subsection, no court or criminal justice agency may assess fees or charges against the central repository for providing criminal history record information created prior to, on or after July 1, 2011. A court or criminal justice agency may assess a fee or charge against the central repository for providing criminal history record information if such court or criminal justice agency has previously provided such criminal history record information as required by law.

Sec. 13. K.S.A. 2010 Supp. 38-2312, as amended by section 162 of 2011 House Bill No. 2339, is hereby amended to read as follows:

38-2312. (a) Except as provided in subsection (b) and (c), any records or files specified in this code concerning a juvenile may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile’s parent or next friend.

(b) There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the first degree, K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the second degree, K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, voluntary manslaughter, K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, involuntary manslaughter, K.S.A. 21-3405, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, rape, K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent liberties with a child, K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated criminal sodomy, K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas.
(c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender’s criminal record while the offender is required to register as provided in the Kansas offender registration act.

(d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile’s full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile’s sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100.

On and after the effective date of this act through June 30, 2011, the supreme court may impose a charge, not to exceed $15 per case, to fund the costs of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(e) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;

(B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and

(C) the circumstances and behavior of the petitioner warrant expungement.
(2) The court may require that all court costs, fees and restitution shall be paid.

(e) (f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and the person’s designees.

(f) Copies A certified copy of any order made pursuant to subsection (a) or (c) (d) shall be sent to each public officer and agency in the county having possession of any the Kansas bureau of investigation, which shall notify every juvenile or criminal justice agency which may possess records or files ordered to be expunged. If the officer or agency fails to comply with the order within a reasonable time after its receipt, the officer or such agency may be adjudged in contempt of court and punished accordingly.

(g) (h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(h) (i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.

(i) (j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

(j) (k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(7) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission; or

(8) the Kansas sentencing commission, or

(9) the Kansas bureau of investigation, for the purposes of:

(A) Completing a person’s criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person’s qualification to possess a firearm.

(l) The provisions of subsection (k)(9) shall apply to all records created prior to, on and after July 1, 2011.

Sec. 14. K.S.A. 2010 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127, and amendments thereto.

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

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

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

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

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

(E) on and after January 1, 2011, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

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

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, prior to its repeal, or section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before January July 1, 2011 2013, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on January July 1, 2011 2013.

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in
(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

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

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

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

(A) Efficiencies in the delivery of field supervision services;

(B) effectiveness and enhancement of existing interventions;

(C) identification of new interventions; and

(D) statewide performance indicators.

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

(A) Goals and measurable objectives;

(B) projected costs;

(C) the impact on public safety; and

(D) the evaluation process.

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

Sec. 15. K.S.A. 2010 Supp. 75-52,112 is hereby amended to read as follows: 75-52,112. (a) As used in this section, “supervision success rate”
means the percentage of those persons under supervision in a community corrections program whose supervision is not revoked and remanded to the custody of the department of corrections for imprisonment.

(b) On and after July 1, 2007, subject to the provision of appropriation acts, the secretary of corrections shall develop and implement a grant program with the goal of increasing public safety, reducing the risk of offenders on community supervision and reducing each community corrections program's revocations rate by at least 20% from such program's fiscal year 2006 revocation rate achieving and maintaining a supervision success rate of at least 75% or improving such rate by at least 3% from the previous year.

(c) Any county or counties operating community correctional services may apply for the grant. The program shall give priority to a county or counties in which the revocation supervision success rate for offenders on community supervision is significantly higher lower than the statewide average, which target a higher percentage of revocation reductions supervision success rate than the required minimum of 20% or supervision success rate of 75% or 3% annual supervision success rate improvement or which target the successful reentry of offenders who are considered medium or high risk for revocation.

(d) The secretary shall adopt grant requirements in accordance with this section. Proposals for grants under this program shall include, but not be limited to, provisions to:

(1) Target offenders at medium and high risk for revocation utilizing risk assessment instruments approved by the secretary;
(2) reduce and specialize caseloads for community corrections officers;
(3) provide the offenders with the needed supervision and services to improve such offenders’ opportunity to successfully complete community correctional services programs, resulting in a reduction in revocations to prison. Such services may include, but not be limited to, employment training and placement, educational assistance, transportation and housing. Such services shall be evidence-based and address offenders’ criminogenic risks, needs and responsivity characteristics;
(4) use an intermediate sanctions community supervision model;
(5) provide staff training and skill development for community corrections officers in risk reduction and intervention. Such training and development shall be approved and certified by the secretary;
(6) utilize treatment options, including substance abuse treatment, mental health treatment, and cognitive and behavioral programs for offenders. For identified need areas, approved assessment and evaluation instruments should be utilized to ensure offender placement into appropriate levels of treatment and intervention;
(7) use gang intervention strategies;
(8) address safety concerns of the community;
(9) implement a method of tracking and reporting revocations;
(10) establish a goal of reducing the number of offenders, by a specified percentage, whose supervision is revoked and the offender sentenced to prison by providing a plan to: (A) A plan to reduce the revocation rate for offenders on community supervision by at least 20% from such program’s fiscal year 2006 revocations rate; (B) a plan to reduce the revocation rate at a percentage greater than the 20% minimum established to receive such grants; or (C) achieve and maintain a supervision success rate of at least 75% or improve such rate by at least 3% from the previous year; or (C) a plan which targets (B) the successful reentry of offenders who are considered medium or high risk for revocation;

(11) develop a specific accountability system for monitoring, tracking and utilizing the grant funds and to evaluate the effectiveness of the grant funds; and

(12) develop a consistent set of policies that will guide judges and community corrections officers in the supervision and revocation of offenders on community corrections supervision.

(e) The department of corrections shall establish a date for achieving goals based upon implementation time-lines and goals specific to each grant, which may include an overall reduction or a reduction for a specifically targeted population.

(f) The department of corrections shall evaluate the programs which received a grant using a research-based process evaluation targeting the critical components of effective programs to ensure that the program is being delivered as such program was designed. Continued funding shall be contingent on the program meeting the established goals.

(g) The secretary shall prepare a report which states the number of programs receiving grants pursuant to this section, specifically identifying each program, summarizing the provisions of each program and the success of the program in reducing revocations. Such report shall be delivered to the governor, the secretary of the senate, the chief clerk of the house of representatives and the Kansas reentry policy council on or before the first day of the regular legislative session each year in which the grant program is funded.

Sec. 16. Section 74 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 32 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 74. (a) Sexual exploitation of a child is:

(1) Employing, using, persuading, inducing or coercing a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance;

(2) possessing any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person;
(3) being a parent, guardian or other person having custody or control of a child under 18 years of age and knowingly permitting such child to engage in, or assist another to engage in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2); or
(4) promoting any performance that includes sexually explicit conduct by a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, knowing the character and content of the performance.

(b) (1) Sexual exploitation of a child as defined in:
(A) Subsection (a)(2) or (a)(3) is a severity level 5, person felony; and
(B) subsection (a)(1) or (a)(4) is a severity level 5, person felony, except as provided in subsection (b)(2).
(2) Sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) attempt, conspiracy or criminal solicitation to commit sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) is an off-grid person felony, when the offender is 18 years of age or older and the child is under 14 years of age.

(c) If the offender is 18 years of age or older and the child is under 14 years of age, the provisions of:
(1) Subsection (c) of section 33 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of attempting to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4);
(2) subsection (c) of section 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4); and
(3) subsection (d) of section 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4).

(d) As used in this section:
(1) “Sexually explicit conduct” means actual or simulated: Exhibition in the nude; sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation; sado-masochistic abuse with the intent of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person;
(2) “promoting” means procuring, transmitting, distributing, circulating, presenting, producing, directing, manufacturing, issuing, publishing, displaying, exhibiting or advertising:
(A) For pecuniary profit; or
(B) with intent to arouse or gratify the sexual desire or appeal to the prurient interest of the offender or any other person;
(3) “performance” means any film, photograph, negative, slide, book,
magazine or other printed or visual medium, any audio tape recording or any photocopy, video tape, video laser disk, computer hardware, software, floppy disk or any other computer related equipment or computer generated image that contains or incorporates in any manner any film, photograph, negative, photocopy, video tape or video laser disk or any play or other live presentation;

(4) “nude” means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered; and

(5) “visual depiction” means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means.

Sec. 17. Section 184 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 184. (a) Harassment by telecommunication device is the use of:

(1) Telephone communication A telecommunications device to:

(A) Knowingly make or transmit any comment, request, suggestion or proposal, image or text which is obscene, lewd, lascivious, filthy or indecent;

(B) make a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;

(B) make or transmit a call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the receiving end;

(C) make or transmit any comment, request, suggestion, proposal, image or text with intent to abuse, threaten or harass any person at the receiving end;

(C) make or cause the telephone of another to repeatedly ring a telecommunications device to repeatedly ring or activate with intent to harass any person at the called number;

(D) make repeated telephone calls, during which conversation ensues, or repeatedly transmit a telefacsimile communication with intent to harass any person at the called number;

(E) knowingly play any recording on a telephone, except recordings such as weather information or sports information when the number thereof is dialed, unless the person or group playing the recording shall be identified and state that it is a recording; or

(F) knowingly permit any phone or telefacsimile communication machine telecommunications device under one’s control to be used in violation of this paragraph.

(2) Telefacsimile communication to send or transmit such communication to a court in the state of Kansas for a use other than court business, with no requirement of culpable mental state.
(b) Harassment by telecommunication device is a class A nonperson misdemeanor.

c) Every telephone directory published for distribution to members of the general public shall contain a notice setting forth a summary of the provisions of this section. Such notice shall be printed in type which is no smaller than any other type on the same page and shall be preceded by the word “WARNING.”

d) As used in this section, “telefacsimile communication” means the use of electronic equipment to send or transmit a copy of a document via telephone line. “telecommunications device” includes telephones, cellular telephones, telefacsimile machines and any other electronic device which makes use of an electronic communication service, as defined in K.S.A. 22-2514, and amendments thereto.

e) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in sections 72, 73, 74 or 212 of chapter 136 of the 2010 Session Laws of Kansas.

Sec. 18. Section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 244. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

1. Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

2. Impose the fine applicable to the offense and may impose the provisions of subsection (q);

3. Release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

4. Assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

5. Assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community
correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (c) of section 242 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in section 136 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson or aggravated arson as defined in section 98 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant’s conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in subsection (i) of section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program must serve a total of 120 hours of confinement. Such 120 hours of confinement
shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. On a third or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program must serve a total of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) and (12); or

(14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant’s crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (d) of section 242 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures
by the county to provide counsel and other defense services to the defend-
ant. Any such reimbursement to the county shall be paid only after any
order for restitution has been paid in full. In determining the amount and
method of payment of such sum, the court shall take account of the financial
resources of the defendant and the nature of the burden that payment of
such sum will impose. A defendant who has been required to pay such sum
and who is not willfully in default in the payment thereof may at any time
petition the court which sentenced the defendant to waive payment of such
sum or any unpaid portion thereof. If it appears to the satisfaction of the
court that payment of the amount due will impose manifest hardship on the
defendant or the defendant’s immediate family, the court may waive pay-
ment of all or part of the amount due or modify the method of payment.

(e) In imposing a fine the court may authorize the payment thereof in
installments. In releasing a defendant on probation, the court shall direct
that the defendant be under the supervision of a court services officer. If
the court commits the defendant to the custody of the secretary of correc-
tions or to jail, the court may specify in its order the amount of restitution
to be paid and the person to whom it shall be paid if restitution is later
ordered as a condition of parole, conditional release or postrelease super-
vision.

(f) (1) When a new felony is committed while the offender is incar-
cerated and serving a sentence for a felony, or while the offender is on
probation, assignment to a community correctional services program, pa-
role, conditional release or postrelease supervision for a felony, a new sen-
tence shall be imposed pursuant to the consecutive sentencing requirements
of section 246 of chapter 136 of the 2010 Session Laws of Kansas, and
amendments thereto, and the court may sentence the offender to impris-
onment for the new conviction, even when the new crime of conviction
otherwise presumes a nonprison sentence. In this event, imposition of a
prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed while the offender is incarcerated
in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its
repeal, or K.S.A. 2010 Supp. 38-2373, and amendments thereto, for an
offense, which if committed by an adult would constitute the commission
of a felony, upon conviction, the court shall sentence the offender to im-
prisonment for the new conviction, even when the new crime of conviction
otherwise presumes a nonprison sentence. In this event, imposition of a
prison sentence for the new crime does not constitute a departure. The
conviction shall operate as a full and complete discharge from any obli-
gations, except for an order of restitution, imposed on the offender arising
from the offense for which the offender was committed to a juvenile cor-
rectional facility.

(3) When a new felony is committed while the offender is on release
for a felony pursuant to the provisions of article 28 of chapter 22 of the
Kansas Statutes Annotated, and amendments thereto, or similar provisions
of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of section 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto, or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp’s or a community intermediate sanction center’s placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents’ defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial re-
sources of the defendant and the nature of the burden that payment of such
sum will impose. A defendant who has been required to pay such sum and
who is not willfully in default in the payment thereof may at any time
petition the court which sentenced the defendant to waive payment of such
sum or any unpaid portion thereof. If it appears to the satisfaction of the
court that payment of the amount due will impose manifest hardship on the
defendant or the defendant’s immediate family, the court may waive pay-
ment of all or part of the amount due or modify the method of payment.
The amount of attorney fees to be included in the court order for reim-
bursement shall be the amount claimed by appointed counsel on the pay-
ment voucher for indigents’ defense services or the amount prescribed by
the board of indigents’ defense services reimbursement tables as provided
in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred
by any other Kansas statute to decree a forfeiture of property, suspend or
cancel a license, remove a person from office or impose any other civil
penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a
community correctional services program shall not constitute an acquies-
cence in the judgment for purpose of appeal, and any convicted person may
appeal from such conviction, as provided by law, without regard to whether
such person has applied for probation, suspended sentence or assignment
to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement
to the Labette correctional conservation camp or a conservation camp es-

tablished by the secretary pursuant to K.S.A. 75-52,127, and amendments
thereto, of an inmate sentenced to the secretary’s custody if the inmate:

1. Has been sentenced to the secretary for a probation revocation, as
a departure from the presumptive nonimprisonment grid block of either
sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I,
or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks
3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes,
or for an offense which is classified in grid blocks 4-E or 4-F of the sen-
tencing guidelines grid for drug crimes and such offense does not meet the
requirements of section 305 of chapter 136 of the 2010 Session Laws of
Kansas, and amendments thereto; and

2. otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the
secretary of corrections shall report such completion to the sentencing court
and the county or district attorney. The inmate shall then be assigned by
the court to six months of follow-up supervision conducted by the appro-
priate community corrections services program. The court may also order
that supervision continue thereafter for the length of time authorized by
section 248 of chapter 136 of the 2010 Session Laws of Kansas, and amend-
ments thereto.
(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) Except as provided by subsection (f) of section 286 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, the court shall require the defendant who meets the requirements established in section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2010 Supp. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender’s refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in section 286 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. For those offenders who are convicted on or after July 1, 2003, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender’s driver’s license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person’s privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver’s license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person’s privilege of operating a motor vehicle on the highways of this state, a certified copy of
which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person’s license hereunder, the judge shall require such person to surrender such person’s driver’s license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver’s license which shall indicate on its face that conditions have been imposed on such person’s privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person’s state of residence. Such judge shall furnish to any person whose driver’s license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver’s license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person’s privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person’s driver’s license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, “highway” and “street” means the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to section 1 of chapter 101 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall require the defendant to undergo a domestic violence offender assessment and follow all recommendations unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation
shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence assessment and any other evaluation to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.

(q) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court’s order the person may be ordered to perform community service by one year after the date of such rescission or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.

Sec. 19. Section 249 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows:

Sec. 249. (a) The court or the secretary of corrections may implement a house arrest program for defendants or inmates being sentenced by the court or in the custody of the secretary of corrections or as a sanction for offenders who have failed to comply with the conditions of probation, parole or postrelease supervision, except:

1. No defendant shall be placed by the court under house arrest if found guilty of:

   A. Any crime designated as a class A or B felony in article 34 or 35 of the Kansas Statutes Annotated, prior to their repeal;

   B. subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

   C. section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

   D. any off-grid felony; or

   E. any nondrug crime ranked in severity levels 1 through 5 or any
felony ranked in severity levels 1 through 3 of the drug grid, unless the offender has been sentenced to probation;

(2) no inmate shall be placed under house arrest if such inmate’s security status is greater than minimum security; or

(3) no inmate shall be placed under house arrest who has been denied parole by the parole board within the last 6 months. Any inmate who, while participating in the house arrest program, is denied parole by the parole board shall be allowed to remain under house arrest until the completion of the sentence or until the inmate is otherwise removed from the program.

(b) Prior to the At the time of placement of an inmate under house arrest, the court or, secretary or house arrest staff shall provide written notification to the sheriff and district or county attorney of the county in which any person under house arrest is to be placed and to the chief law enforcement officer of any incorporated city or town in which such person is to be placed of the placement of the person under house arrest within the county or incorporated city or town.

(c) House arrest sanctions shall be administered by the court and the secretary of corrections, respectively, through rules and regulations, and may include, but are not limited to, rehabilitative restitution in money or in kind, curfew, revocation or suspension of the driver’s license, community service, deprivation of nonessential activities or privileges, or other appropriate restraints on the inmate’s liberty.

(d) Upon placement in a house arrest program, the court, secretary or house arrest staff shall inform the offender, and any other people residing with such offender, of the nature and extent of such house arrest monitoring, and shall obtain the written agreement of such offender to comply with all requirements of the program.

(e) The offender shall remain within the property boundaries of the offender’s residence at all times during the term of house arrest, except as provided under the house arrest agreement with such offender.

(f) The offender shall allow any law enforcement officer, community corrections officer, court services officer or duly authorized agent of the department of corrections, to enter such offender’s residence at any time to verify the offender’s compliance with the conditions of the house release.

(g) As a condition of house arrest, the court or secretary may require an offender placed under house arrest to pay any supervision costs associated with the house arrest program.

(h) The offender shall consent to be monitored by:

(1) An electronic monitoring device on such offender’s person;

(2) an electronic monitoring device in such offender’s home;

(3) a remote blood alcohol monitoring device;

(4) a home telephone verification procedure;

(5) radio frequency devices; or

(6) any combination of monitoring methods as the court, secretary or house arrest staff finds necessary.
(i) The secretary or the court may contract for independent monitoring services. Such independent monitoring service shall be able to provide monitoring 24 hours a day, every day of the year, and any other services as determined by the secretary or the court.

(j) An offender violating the provisions of K.S.A. 8-1567, and amendments thereto, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. On a second conviction of K.S.A. 8-1567, and amendments thereto, an offender placed under house arrest shall serve a total of 120 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 120 hours. On a third or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed under house arrest shall serve a total of 240 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.

(k) As used in this section:

1. “House arrest staff” means an independent contractor or government entity, and agents thereof, utilized by the secretary or court to administer the provisions of a house arrest program;

2. “Electronic monitoring device” means:

A. An active or passive global positioning system-enabled device capable of recording and transmitting an offender’s location at all times or at designated intervals. Such monitoring device may record or transmit sound, visual images or other information regarding such offender’s location, via wireless communication; or

B. A radio frequency device capable of monitoring an offender’s location; and

3. “Remote alcohol monitoring device” means a device capable of monitoring an offender’s blood alcohol content via micro fuel cell or deep lung tissue sample. Such monitoring devices shall be of comparable accuracy to roadside breath alcohol testing devices utilized by law enforcement, and shall have wireless or landline telephone transmission capabilities. Such device may be used in conjunction with an alcohol and drug-sensing bracelet to monitor such offender’s compliance with the terms of house arrest.

Sec. 20. Section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 254. (a) (1) Except as provided in subsections (b) and (c), (c) and (d), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug
crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) and (c), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c) and (d), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.
(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) endangering a child or aggravated endangering a child as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(10) capital murder as defined in K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(11) murder in the first degree as defined in K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(12) murder in the second degree as defined in K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to
its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(17) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(d) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender’s criminal record while the offender is required to register as provided in the Kansas offender registration act.

(e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant’s full name;
(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant’s current name;
(C) defendant’s sex, race and date of birth;
(D) crime for which the defendant was arrested, convicted or diverted;
(E) date of the defendant’s arrest, conviction or diversion; and
(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100. On and after April 15, 2010 through June 30, 2011, the supreme court may impose a charge, not to exceed $15 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records.
At the hearing on the petition, the court shall order the petitioner’s arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement;

(3) the expungement is consistent with the public welfare.

When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner’s qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner’s qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
(E) to aid in determining the petitioner’s qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver’s license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner’s qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner’s qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner’s qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(i) Subject to the disclosures required pursuant to subsection (g), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.
(j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

1. The person whose record was expunged;
2. A private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. A court, upon a showing of a subsequent conviction of the person whose record has been expunged;
4. The secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
5. A person entitled to such information pursuant to the terms of the expungement order;
6. A prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
7. The supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
8. The Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
9. The governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
10. The Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective
managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications:
(A) To be an employee of the state gaming agency; or
(B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; or

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(k) The provisions of subsection (j)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 21. Section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008, is hereby amended to read as follows: Sec. 285. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:
## SENTENCING RANGE - NONDRUG OFFENSES

<table>
<thead>
<tr>
<th>Category</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
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<tr>
<td><strong>Severity Level</strong></td>
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<td>2</td>
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<td>6</td>
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<td><strong>3 Person Felonies</strong></td>
<td>653</td>
<td>493</td>
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<td><strong>2 Person Felonies</strong></td>
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<td>120</td>
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<td>592</td>
<td>415</td>
<td>221</td>
<td>154</td>
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<td>566</td>
<td>408</td>
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<td>100</td>
<td>100</td>
<td>96</td>
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<td>38</td>
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<tr>
<td><strong>3 Nonperson Felonies</strong></td>
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<tr>
<td><strong>2 Misdemeanors</strong></td>
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<td>8</td>
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<tr>
<td><strong>No Record</strong></td>
<td>255</td>
<td>190</td>
<td>69</td>
<td>45</td>
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<td>11</td>
<td>8</td>
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</tbody>
</table>

**Legend**
- Presumptive Probation
- No Record
- Presumptive Imprisonment

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(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid’s vertical axis is the crime severity scale which classifies current crimes of conviction. The grid’s horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court’s discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender’s criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of subsection (d) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant’s sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
(h) When a firearm is used to commit any person felony, the offender’s sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 of chapter 136 of the 2010 Session Laws of Kansas and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(2) If because of the offender’s criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in section 109 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary’s determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, ‘‘persistent sex offender’’ means a person who:
(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and
   (ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or
(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and
   (ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender’s sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
   (2) As used in this subsection, “criminal street gang” means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:
      (A) The commission of one or more person felonies; or
      (B) the commission of felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and
      (C) its members have a common name or common identifying sign or symbol; and
      (D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of subsection (a)(1) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715, prior to its repeal, 21-3716, prior to its repeal, subsection
(a)(1) or (a)(2) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, or subsection (b) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A 22-4903 or subsection (a)(2) of section 138 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of subsection (b) of K.S.A. 21-3705, prior to its repeal, or of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be the sentence as provided by this section, except that the court may order
an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.
The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender’s term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an “optional nonprison sentence” is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of subsection (c)(2) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months’ imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, “ballistic resistant material” means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.
(u) The sentence for a violation of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.


Sec. 23. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 25, 2011.

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

Section 1. K.S.A. 15-116 is hereby amended to read as follows: 15-116. (a) When a petition for the incorporation of a city, signed by 50 or more electors of the territory described therein, and containing the information hereafter required, is filed with the county clerk if all the territory is within one county, or the county clerk of the county in which the greater or greatest area lies if the territory lies in two or more counties, the requirements and proceedings shall be as hereinafter stated.

The petition shall: (1) be addressed to the board of county commissioners, or where the territory lies in two or more counties, to the board of commissioners of the county having the greater or greatest area; (2) describe the territory by metes and bounds; and (3) request the incorporation of the territory as a city by the name of “the city of ________” (giving name).

Each page of signatures shall bear the following heading:

“I, whose name appears as one of the signers below, state that I reside in and am an elector of the territory petitioned to become the city of ________; that I signed my name in my own handwriting; that I read the description of the metes and bounds of said territory or saw the map of the territory attached as an exhibit to the petition.

Signatures Addresses"

If registration for voting purposes is required in all or any part of the area, signers in the registration area must sign their names the same as they are shown on the registration books. The signatures of signers in registration areas shall be checked against the voter registration books by the county election officer in charge of registration. Where all or a part of the territory is not in a registration area, an elector who signs the petition shall make an affidavit that to the best of the elector’s knowledge and belief, the persons who signed the petition and who are not in a registration area are electors of the territory. The affidavit shall be attached to the petition before the petition is filed. Any person desiring to withdraw their name from the petition may do so by filing in person with the county clerk of the county where the petition will be filed, and before the petition is filed, a statement substantially as follows: “I the undersigned, hereby withdraw my name as a signer of the petition for the incorporation of the territory proposed to be called the city of ________.” The county clerk shall sign and endorse on the face of the statement the month, day, year and hour of the filing and, if and when the petition is filed, shall attach such withdrawal statement thereto.
The sufficiency of the number of petitioners shall be determined as of the day of the filing of the petition by registration books, if any, and as of the date of the affidavit as to persons in nonregistration area.

(b) No territory shall be incorporated as a city except as provided in subsection (d)(2) unless it has 250 or more inhabitants or has 250 or more platted lots each of which is served by water and sewer lines owned by a nonprofit corporation. The number of inhabitants shall be determined by an enumeration by a qualified signer of the petition who shall make an affidavit that an enumeration has been made of the inhabitants of the territory after the beginning of the circulation of the petition, and stating the number of inhabitants found, and specifying the dates when it was begun and when completed. The number of platted lots served by water and sewer lines owned by a nonprofit corporation shall be determined by the county engineer, who shall state the findings by affidavit. Such the affidavits shall be attached to the petition before it is filed. The board of county commissioners may cause another enumeration to be made if it believes the number of inhabitants may be less than 250.

(c) The petition shall have attached thereto a statement containing the following information regarding the proposed city: (1) Quantity of land embraced, platted and unplatted; (2) a brief description of existing facilities and services currently received by the area, including water supply, sewage disposal, fire and police protection; and (3) reasons for desiring city government and services.

There shall also be attached to the petition a map of the territory showing the location of the proposed city within the county or counties and the more densely built-up area or areas and designating in general the platted and unplatted areas.

There shall also be attached a statement of the assessed valuation of the platted real property and improvements and unplatted real property and improvements and the assessed valuation or an estimate thereof of the tangible personal property for each county in which any area lies, certified by the county clerk or county assessor.

(d) No territory shall be incorporated as a city unless:

(1) The inhabitants of the territory number 250 or more and 50 or more electors of the territory have signed a petition;

(2) the territory contains 250 or more platted lots each served by water and sewer lines owned by a nonprofit corporation, and 50 or more electors of the territory have signed a petition; or

(3) the territory has been designated a national landmark by the congress of the United States.

Sec. 2. K.S.A. 15-117 is hereby amended to read as follows: 15-117. The county clerk shall examine the petition, if such a petition is required, signatures and attached matter as prescribed by K.S.A. 15-116, as amended, and if it appears the petition is in proper form, that the inhabitants of the
territory number $300$ or more or $250$ or more electors of the territory have signed a petition, that the territory contains $300$ or more platted lots each served by water and sewer lines owned by a nonprofit corporation, and that 50 or more electors of the territory have signed the petition, or that the territory has been designated as a national landmark, the county clerk shall so report to the board of county commissioners at its next regular meeting and it shall designate a time and place for a hearing on the petition, such time to be not less than 30 nor more than 90 days from the date the petition was filed. The place of the hearing shall be at a place convenient for most of the inhabitants of the territory.

Sec. 3. K.S.A. 15-124 is hereby amended to read as follows: 15-124. The city, regardless of the number of inhabitants (three hundred (300) or more) at the time of incorporation, shall operate as a mayor-council city of the third class and the statutes relating thereto and home rule powers under the constitution until such time as by proper proceedings the class is changed or form of government changed.

New Sec. 4. When land located outside a city is annexed by such city under K.S.A. 12-521 and 12-521a, and amendments thereto, any homestead rights attributable to such land prior to such annexation shall continue after annexation until such land is sold after annexation.

Sec. 5. K.S.A. 12-519 is hereby amended to read as follows: 12-519. As used in this act: (a) “Tract” means a single unit of real property under one ownership, outside the corporate limits of a city, which may be platted or unplatted, title to which is publicly or privately held by an owner as defined by subsection (c).

(b) “Land” means a part of a tract or one or more tracts.

(c) “Owner” means the one who has record title to a tract. In the event two or more persons have record title to a tract, “owner” shall be defined as follows: (1) If joint tenants, “owner” means a majority of the number of joint tenants; (2) if tenants in common, “owner” means both a majority of the number of tenants in common and the holders of a majority of the undivided interests in the tract; (3) if the tract is held by a life tenant and a remainderman, “owner” means the life tenant; (4) if the tract is held by a tenant under a recorded lease providing for a lease term of 10 years or longer and a remainderman, “owner” means both such tenant and remainderman; (5) if one holds title to the surface and another holds title to the minerals, “owner” means the surface title holder.

(d) “Adjoins” means to lie upon or touch (1) the city boundary line; or (2) a highway, railway or watercourse which lies upon the city boundary line and separates such city and the land sought to be annexed by only the width of such highway, railway or watercourse.

(e) “Platted” means a tract or tracts mapped or drawn to scale, showing a division or divisions thereof, which map or drawing is filed in the office of the register of deeds by the owner of such tract.
(f) “Land devoted to agricultural use” means land which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

(g) “Qualified elector” means any owner of land, as defined under this section, within the area proposed to be annexed under the provisions of K.S.A. 12-521, and amendments thereto.

(h) “Area proposed to be annexed” means the area approved for annexation by the board of county commissioners under provisions of K.S.A. 12-521, and amendments thereto.

(i) “Watercourse” means a natural or manmade course where water may flow on a regular or intermittent basis; a watercourse shall not include a natural or manmade lake, pond or other impoundment of five or more acres of surface area.

Sec. 6. K.S.A. 12-520b is hereby amended to read as follows: 12-520b.

(a) The governing body of any city proposing to annex land under the provisions of K.S.A. 12-520, and amendments thereto, shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the adoption of the resolution provided for in K.S.A. 12-520a, and amendments thereto, prepare a report setting forth such plans. The report shall include:

1. A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:
   (A) The present and proposed boundaries of the city affected by such proposed annexation;
   (B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereof; and
   (C) the general land use pattern in the areas to be annexed.

2. A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and the area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such
area. Such plan shall include a timetable of the plans for extending each major municipal service to the area annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

(b) A copy of the plan for extension of services shall be sent by certified mail not less than 10 days prior to the public hearing as provided in K.S.A. 12-520a, and amendments thereto, to the board of county commissioners.

(c) The preparation of a plan for the extension of services required by subsection (a) shall not be required for or as a prerequisite to the annexation of land of which all of the owners petition for or consent to such annexation in writing.

Sec. 7. K.S.A. 12-521 is hereby amended to read as follows: 12-521.
(a) Whenever the governing body of any city deems it advisable to annex land which such city is not permitted to annex under K.S.A. 12-520, and amendments thereto, or if the governing body of any city is permitted to annex land under K.S.A. 12-520, and amendments thereto, but deems it advisable not to annex thereunder, the governing body may annex such land as provided by this section. The governing body, in the name of the city, may present a petition to the board of county commissioners of the county in which the land sought to be annexed is located. The petition shall set forth a legal description of the land sought to be annexed and request a public hearing on the advisability of such annexation. The governing body of such city shall make plans for the extension of services to the tract of land proposed to be annexed and shall file a copy thereof with the board of county commissioners at the time of presentation of the petition. Such report shall include:

1. A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

   A. The present and proposed boundaries of the city affected by such proposed annexation;
   B. The present streets, water mains, sewers and other city utility lines, and the proposed extension thereto; and
   C. The general land use pattern in the areas to be annexed.

2. A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the
area proposed to be annexed. The plan shall state the method by which the
city plans to finance the extension of such services to such area. The plan
shall include a timetable for the extension of major municipal services to
the area proposed to be annexed. The plan shall state the means by which
the services currently provided by a township or special district in the area
to be annexed shall be maintained by the city at a level which is equal to
or better than the level of services provided prior to annexation. The plan
shall state those services which shall be provided immediately upon annex-
ation and those services which may be provided upon petition of the land-
owners to create a benefit district.

(b) The date fixed for the public hearing shall be not less than 60 nor
more than 70 days following the date of the presentation of the petition
requesting such hearing. Notice of the time and place of the hearing, to-
gether with a legal description of the land sought to be annexed and the
names of the owners thereof, shall be published in a newspaper of general
circulation in the city not less than one week and not more than two weeks
preceding the date fixed for such hearing.

A copy of the notice providing for the public hearing shall be mailed by
certified mail to each owner of the land proposed to be annexed not more
than 10 days following the date of the petition requesting such hearing.

A sketch clearly delineating the area in such detail as may be necessary
to advise the reader of the particular land proposed to be annexed shall be
published with such notice and a copy thereof mailed to the owner of the
property with such notice.

The board for good cause shown may continue the hearing beyond the
time specified in the notice without further publication.

(c) On the day set for hearing, the board of county commission-ers shall
hear testimony as to the advisability of such annexation, and a repre-sentative
of the city shall present the city’s proposal for annexation, including
the plan of the city for the extension of services to the area proposed to be
annexed.

The action of the board of county commissioners shall be quasi-judicial
in nature. The board of county commissioners shall consider the impact of
approving or disapproving the annexation on the entire community in-
volved, including the city and the land proposed to be annexed, in order to
insure the orderly growth and development of the community. The board
shall make specific written findings of fact and conclusions determining
whether such annexation or the annexation of a lesser amount of such area
causes manifest injury to the owners of any land proposed to be annexed,
or to the owners of land in areas near or adjacent to the land proposed to
be annexed or to the city if the annexation is disapproved. The findings and
conclusions shall be based upon the preponderance of evidence presented
to the board. In determining whether manifest injury would result from the
annexation, the board’s considerations shall include, but not be limited to,
the extent to which the following criteria may affect the city, the area to be annexed, the residents of the city and the area to be annexed, other governmental units providing services to the area to be annexed, the utilities providing services to the area to be annexed, and any other public or private person, firm or corporation which may be affected thereby:

1. Extent to which any of the area is land devoted to agricultural use;
2. Area of platted land relative to unplatted land;
3. Topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;
4. Extent and age of residential development in the area to be annexed and adjacent land within the city’s boundaries;
5. Present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;
6. The extent of business, commercial and industrial development in the area;
7. The present cost, methods and adequacy of governmental services and regulatory controls in the area;
8. The proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;
9. Tax impact upon property in the city and the area;
10. Extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;
11. Effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, and amendments thereto, fire districts;
12. Existing petitions for incorporation of the area as a new city or for the creation of a special district;
13. Likelihood of significant growth in the area and in adjacent areas during the next five years; and
14. Effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan.

(d) The board of county commissioners shall render a judgment within seven days after the hearing has been adjourned sine die. If a majority two-thirds of the members of the board of county commissioners concludes that the annexation or any part thereof should be allowed, the board shall so find and grant the annexation by order; and thereupon the city may annex the land by ordinance. Orders of the board of county commissioners denying the petition or a part thereof for annexation shall require a majority vote of the members of the board. When an order denying a petition or part
thereof is issued, it shall be by resolution, which shall be sent by certified mail to the city proposing the annexation. All orders of the board of county commissioners granting or denying petitions for annexation shall be spread at length upon the journal of proceedings of the board. The failure of such board to spread an order granting annexation upon the journal shall not invalidate such order.

(e) Within 10 days following the rendering of the judgment of the board of county commissioners granting all or a part thereof of any annexation involving 40 acres or more as provided in subsection (e), the city clerk shall certify to the county election officer a legal description and a map of the area outside the corporate limits of the city proposed to be annexed and the addresses of all qualified electors as defined in K.S.A. 12-519, and amendments thereto, located therein. The county election officer shall conduct a mail ballot election under the provisions of K.S.A. 25-431 et seq., and amendments thereto, within 60 days of such certification. If a majority of the qualified electors voting thereon approve the annexation, the city may annex the land by passage of an ordinance. If a majority of the qualified electors reject the annexation, the lands shall not be annexed and the city may not propose the annexation of any such lands in the proposed area for at least four years from the date of the election, unless the proposed annexation is authorized by paragraphs (2), (3) or (7) of subsection (a) of K.S.A. 12-520, and amendments thereto. If the area proposed to be annexed is less than 40 acres, then the board may render a judgment on the petition unless the board has previously granted three annexations of adjoining tracts within a 60-month period.

(f) Any owner of land annexed pursuant to this section or the city aggrieved by the decision of the board of county commissioners may appeal the decision of the board to the district court of the same county in the manner and method set forth in K.S.A. 19-223, and amendments thereto. Nothing in this subsection shall be construed as granting the owner of land in areas near or adjacent to land annexed pursuant to this section the right to appeal the decision of the board of county commissioners. Any city so appealing shall not be required to execute the bond prescribed therein.

Sec. 8. K.S.A. 12-531 is hereby amended to read as follows: 12–531.

(a) Five Three years following the annexation of any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or, where there has been litigation relating to the annexation, five three years following the conclusion of such litigation, the board of county commissioners shall call a hearing to consider whether the city has provided the municipal services as provided in the timetable set forth in the plan in accordance with K.S.A. 12-520 or 12-521, and amendments thereto. The board of county commissioners shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The city; and (2) any landowner in the area subject to the service extension plan.
(b) At the hearing, the board shall hear testimony as to the city’s extension of municipal services, or lack thereof, from the city and the landowner. After the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be deannexed, as provided in K.S.A. 12-532, and amendments thereto, if the services are not provided within $2\frac{1}{2}$ years of the date of the board’s findings.

(c) If the board of county commissioners refuses to hold the hearing as required, any owner of land living in such area annexed may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.

Sec. 9. K.S.A. 12-532 is hereby amended to read as follows: 12-532.

(a) If, within $2\frac{1}{2}$ years following the conclusion of the hearing required by K.S.A. 12-531, and amendments thereto, or, where there has been litigation relating to the hearing, $2\frac{1}{2}$ years following the conclusion of such litigation, the city has not provided the municipal services as provided in the timetable set forth in the plan prepared in accordance with K.S.A. 12-520b or 12-521, and amendments thereto, the owner of such land may petition the board of county commissioners to exclude such land from the boundaries of the city. Within 10 days after receipt of the petition, the board shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The owner; (2) the city; (3) the township into which the property, if deannexed, would be placed; and (4) the governing body of any fire district, sewer district, water district or other special district governments which have jurisdiction over territory adjacent to the area sought to be deannexed. The notice shall be sent by certified mail no less than 21 days before the date of the hearing.

(b) At the hearing, the board shall hear testimony as to the city’s extension of municipal services, or lack thereof, from both the owner and representatives of the city. Except as provided by subsection (e), if the board finds after the hearing that the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein, the board may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner as provided in K.S.A. 12-523, and amendments thereto, for the effective date of annexation ordinances. Such land shall not be annexed again for one year from the effective date of the order without the written consent of the owner of the land.

(c) The county clerk shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed
records of the county, and, at the expense of the owner city, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register’s office.

(d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed a petition for the exclusion of the land from the city.

(e) The board shall not order exclusion of any land if:

(1) The service extension plan conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;

(2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a portion of the costs of certain municipal improvements, and the formation of the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;

(3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city’s boundaries; or

(4) the board finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.

(f) Any owner or the city aggrieved by the decision of the board may appeal the decision to the district court in the manner provided in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

(g) If the board of county commissioners refuses to hold the hearing as required, any owner of land may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.

Sec. 10. K.S.A. 2010 Supp. 25-432 is hereby amended to read as follows: 25-432. An election shall not be conducted under this act unless:

(a) Conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision; and
(b) the secretary of state approves a written plan for conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the county election officer; and
(c) the election is nonpartisan; and
(d) the election is not one at which any candidate is elected, retained or recalled; and
(e) the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots; and
(f) the election is a question submitted election at which all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:
1. Counties;
2. cities;
3. school districts, except in an election held pursuant to K.S.A. 72-7302 et seq., and amendments thereto;
4. townships;
5. benefit districts organized under K.S.A. 31-301, and amendments thereto;
6. cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;
7. combined sewer districts organized under K.S.A. 19-27,169, and amendments thereto;
8. community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;
9. fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;
10. hospital districts;
11. improvement districts organized under K.S.A. 19-2753, and amendments thereto;
12. Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto;
13. sewage disposal districts organized under K.S.A. 19-27,140, and amendments thereto;
14. water districts organized under K.S.A. 19-3501 et seq., and amendments thereto; or
15. transportation development districts created pursuant to K.S.A. 2010 Supp. 12-17,140 et seq., and amendments thereto; or
16. any tract of land annexed pursuant to K.S.A. 15-521, and amendments thereto.

Sec. 11. K.S.A. 60-2301 is hereby amended to read as follows: 60-2301. Except as provided in section 4, and amendments thereto, a homestead to the extent of 160 acres of farming land, or of one acre within the limits of an incorporated town or city, or a manufactured home or mobile
home, occupied as a residence by the owner or by the family of the owner, or by both the owner and family thereof, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of such premises, or for the erection of improvements thereon. The provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife, when that relation exists.

New Sec. 12. (a) If any land located within a fire district is annexed by a city and such land remains a part of the fire district beyond the current tax year, the owner of such land shall be entitled to a refund of all ad valorem taxes paid for fire service, including any tax levy for bond and interest payments from either the city or the fire district, whichever entity levies taxes for fire service against the land but does not provide such service.

(b) Cities and fire districts shall establish procedures for landowners to obtain refunds of ad valorem property taxes as required by this section.

Sec. 13. K.S.A. 2010 Supp. 19-214 is hereby amended to read as follows: 19-214. (a) Except as provided in subsection (b), in K.S.A. 19-216a, and amendments thereto, all contracts for the expenditure of county moneys for the construction of any courthouse, jail or other county building, or the construction of any bridge, highway, road, dam, turnpike or related structures or stand-alone parking lots in excess of $25,000, shall be awarded, on a public letting, to the lowest and best bid. The person, firm or corporation to whom the contract may be awarded shall give and file with the board of county commissioners a good and sufficient surety bond by a surety company authorized to do business in the state of Kansas, to be approved by the county attorney or county counselor, in the amount of the contract, and conditioned for the faithful performance of the contract.

(b) The provisions of subsection (a) shall not apply: (1) To the expenditure of county funds for professional services; (2) to the provisions of K.S.A. 68-521, and amendments thereto; or (3) to the purchase of contracts of insurance; or (4) to the repair of any courthouse, jail or other county building or the repair or replacement of any such building’s equipment when an emergency based upon public health or safety is declared by the board of county commissioners. Such emergency shall be defined as an occurrence of severe damage to a building or its equipment resulting from any natural or manmade cause, including fire, flood, earthquake, wind, storm, explosion, riot, terrorism or hostile military or paramilitary action, or events of similar nature or character. Such damage must be so severe it prevents the building or equipment from being used for its intended func-
Construction of a replacement building remains subject to the provisions of subsection (a).


Sec. 15. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 25, 2011.
Published in the Kansas Register June 2, 2011.

CHAPTER 102
HOUSE BILL No. 2336*

An Act establishing the Kansas employment first initiative act and creating the Kansas employment first oversight commission.

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

Section 1. (a) This act shall be known as and cited as the Kansas employment first initiative act. As used in this act:

(1) ‘Competitive employment’ means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(2) ‘Integrated setting’ means with respect to an employment outcome, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

(b) It is hereby declared to be the policy of the state of Kansas that competitive and integrated employment shall be considered its first option when serving persons with disabilities who are of working age to obtain employment. This policy applies to programs and services that provide services and support to help obtain employment for persons with disabilities. All state agencies shall follow this policy and ensure that it is effectively implemented in their programs and services. Nothing in this section shall be construed to require any employer to give preference to hiring people with a disability.

Sec. 2. (a) All state agencies shall coordinate efforts and shall collaborate within and among such agencies to ensure that state programs, poli-
cies, procedures and funding support competitive and integrated employment of individuals with disabilities. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of the act.

(b) State agencies are authorized to adopt rules and regulations to implement this act.

Sec. 3. (a) There is hereby established a Kansas employment first oversight commission consisting of five members. The commission shall consist of the following members who shall serve for a three-year term:

(1) Four members who are persons with a disability or who are knowledgeable of disability issues and who are not state employees, of whom:
   (A) One shall be appointed by the speaker of the house of representatives;
   (B) one shall be appointed by the minority leader of the house of representatives;
   (C) one shall be appointed by the president of the senate; and
   (D) one shall be appointed by the minority leader of the senate;

(2) one member who is experienced with employment service programs and who is not a state employee shall be appointed by the governor.

(b) The governor shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and a vice-person from among its members. The commission shall meet at least four times a year and, additionally, whenever called by the chairperson. A quorum shall consist of three members. All actions of the commission shall be taken by a majority of the members of the commission.

(c) Each member of the commission shall be paid mileage and other expenses as provided by K.S.A. 75-3212, and amendments thereto.

(d) The commission shall establish measurable goals and objectives for the state of Kansas to ensure implementation of this act. The commission shall track the measurable progress of public agencies in implementing this act. All state agencies shall fully cooperate with and provide data and information to assist the commission in carrying out its duties.

(e) The commission shall issue an annual report on or before January 1 each year which shall be presented to the governor and members of the state legislature. The report shall detail progress toward the goals and objectives and full implementation of this act. All state agencies shall cooperate with the commission on the creation and dissemination of the annual report. The report also shall identify barriers to achieving the outcomes along with the effective strategies and policies that can help realize the employment first initiative.

(f) The governor shall select from the cabinet agencies the lead agency responsible for compiling data and coordinating the preparation of the annual report at the direction of the commission. The activities of the com-
mission and lead agency pursuant to this section shall be done within exist-
ing grants and resources.

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

Approved May 25, 2011.

CHAPTER 103

House Substitute for SENATE BILL No. 154

AN ACT concerning the issuance of bonds; relating to the national bio and agro defense facility; relating to engineering expansion; providing certain powers, duties and functions for the Kansas development finance authority; state finance council and department of administration; amending K.S.A. 2010 Supp. 74-8963 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 74-8963 is hereby amended to read as follows: 74-8963. (a) For the purpose of financing a capital improvement project of the Kansas bioscience authority relating to a national bio and agro defense facility, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in an amount necessary to provide a deposit or deposits to the bioscience development and investment fund, established by K.S.A. 74-99b34, and amendments thereto which is hereby created in the state treasury and shall be administered by the department of administration in accordance with the provisions of this section and K.S.A. 2010 Supp. 74-8964 through 74-8967, and amendments thereto, in a total amount not to exceed $105,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, cost of bond insurance or other credit enhancement for the bonds and any required reserves for the payment of principal and interest on the bonds, for a capital improvement project relating to a national bio and agro defense facility, including, but not limited to, land acquisition, site preparation, fencing, central utility plant facility construction and improvements, including electric, water and sewer utility infrastructure construction and equipment, lift stations, street grading, paving, graveling, macadamizing, curbing, guttering and surfacing, street light fixture connections and facilities, underground gas, water, heating and electrical services and connections, sidewalks and parking facilities, drives and driveway approaches, landscaping and plantings and related facilities and amenities to develop and finance the project.

(b) On and after the effective date of this act, prior to the issuance of any bonds pursuant to this section, the capital improvement project de-
scribed in subsection (a) shall be approved for the Kansas bioscience authority department of administration for the purposes of subsection (c) of K.S.A. 74-8905, and amendments thereto, and for the purposes of K.S.A. 74-99b10, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority shall be approved by the Kansas development finance authority in accordance with K.S.A. 74-8901 et seq., and amendments thereto, and, for all bonds issued on or after the effective date of this act, shall be approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given when the legislature is in session.

(c) The Kansas bioscience authority department of administration may only make expenditures from the moneys received from the issuance of any bonds pursuant to this section for those purposes set forth in subsection (a) for the capital improvement project.

(d) The debt service for any such bonds issued pursuant to this section shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(e) The date of maturity on bonds issued pursuant to this section shall not be fixed for a period of time which exceeds 20 years from the date of issuance.

(f) The proceeds from the sale of any bonds, other than refunding bonds, issued pursuant to this section, after payment of any costs related to the issuance of such bonds, shall be paid by the Kansas development finance authority to the Kansas bioscience authority department of administration to be applied to the payment of the costs of the capital improvement project authorized by resolution of the Kansas bioscience authority pursuant to this section as requested by the secretary of administration and by resolution of the Kansas development finance authority.

New Sec. 2. The university of Kansas is hereby authorized to initiate and complete a capital improvement project for the university of Kansas school of engineering expansion project phase II and such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute. The university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project, except that expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $65,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the
bonds. All moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants. Debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas.

Sec. 3. K.S.A. 2010 Supp. 74-8963 is hereby repealed.

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

Approved May 25, 2011.
Published in the Kansas Register June 2, 2011.

CHAPTER 104
HOUSE BILL No. 2054

AN ACT concerning certain state agencies; pertaining to the Kansas technology enterprise corporation and the abolishing thereof; pertaining to the transfer of the powers and duties thereof to the department of commerce and the board of regents; pertaining to the membership of the Kansas bioscience authority; amending K.S.A. 74-5001a, 74-8102, 74-8103, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99d03, 74-99d04, 74-99d09, 74-99d69, 74-99d66, 74-99c03 and 75-2935 and repealing the existing sections; also repealing K.S.A. 74-5050, 74-8101 and 74-8105.

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

New Section 1. The Kansas technology enterprise corporation, created by K.S.A. 74-8101 et seq., and amendments thereto, is hereby abolished.

New Sec. 2. Except as otherwise provided in sections 5 through 7, and amendments thereto, on the effective date of this act:

(a) All of the powers, duties and functions of the Kansas technology enterprise corporation are hereby transferred to and conferred and imposed upon the department of commerce and the secretary of commerce.

(b) The director of accounts and reports shall transfer all balances for all funds or accounts thereof appropriated or reappropriated for the Kansas technology enterprise corporation to the department of commerce.

(c) All liabilities of the Kansas technology enterprise corporation, including accrued compensation or salaries of officers and employees who are transferred to the department of commerce under this section shall be assumed and paid by the department of commerce.

New Sec. 3. Except as otherwise provided in sections 5 through 7, and amendments thereto, on the effective date of this act:

(a) The department of commerce and the secretary of commerce shall
be the successor in every way to the powers, duties and functions of the Kansas technology enterprise corporation in which the same were vested prior to the effective date of this section and that are transferred pursuant to section 2, and amendments thereto. Every act performed in the exercise of such transferred powers, duties and functions by or under the department of commerce or the secretary of commerce pursuant to section 2, and amendments thereto, shall be deemed to have the same force and effect as if performed by the Kansas technology enterprise corporation in which such powers, duties and functions were vested prior to the effective date of this section.

(b) Whenever the Kansas technology enterprise corporation, or words of like effect, are referred to or designated by a statute, contract or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of commerce pursuant to section 2, and amendments thereto, such reference or designation shall be deemed to apply to the department of commerce or the secretary of commerce as the context requires.

(c) All rules and regulations, orders and directives of the Kansas technology enterprise corporation which are in effect on the effective date of this section shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the department of commerce or the secretary of commerce until revised, amended, revoked or nullified pursuant to law.

(d) The secretary of commerce shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of the Kansas technology enterprise corporation.

(e) The secretary of commerce shall be the continuation of the Kansas technology enterprise corporation.

(f) (1) All officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the Kansas technology enterprise corporation concerning programs transferred pursuant to sections 2 and 3, and amendments thereto, or who become a part of the department of commerce, or the powers, duties and functions of which are transferred to the department of commerce, and who, in the opinion of the secretary of commerce, are necessary to perform the powers, duties and functions of the department of commerce, shall be transferred to, and shall become officers and employees of the department of commerce.

(2) Officers and employees of the Kansas technology enterprise corporation transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in
accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the Kansas technology enterprise corporation.

New Sec. 4. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under section 2, and amendments thereto, shall be resolved by the governor, whose decision shall be final.

(b) The department of commerce shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the department of commerce pursuant to section 2, and amendments thereto. Any conflict as to the proper disposition of property, personnel or records arising under this section or sections 2 or 3, and amendments thereto, shall be determined by the governor, whose decision shall be final.

New Sec. 5. (a) On the effective date of this act, the following powers, duties and functions of the Kansas technology enterprise corporation are hereby transferred to and conferred and imposed upon the board of regents:

1. All powers, duties and functions under K.S.A. 74-8102 through 74-8111, and amendments thereto, relating to the strategic technology and research (STAR) fund; and
2. All powers, duties and functions under K.S.A. 74-8102 through 74-8111, and amendments thereto, relating to the experimental program to stimulate competitive research (EPSCoR).

(b) The director of accounts and reports shall transfer all balances for all funds or accounts thereof appropriated or reappropriated for the Kansas technology enterprise corporation relating to the powers, duties and functions transferred by this section, and amendments thereto, to the board of regents.

(c) All liabilities of the Kansas technology enterprise corporation relating to the powers, duties and functions transferred by this section, and amendments thereto, including accrued compensation or salaries of officers and employees who are transferred to the board of regents under this section, and amendments thereto, shall be assumed and paid by the board of regents.

New Sec. 6. On and after the effective date of this act: (a) The board of regents shall be the successor in every way to the powers, duties and functions of the Kansas technology enterprise corporation in which the same were vested prior to the effective date of this section, and amendments thereto, and that are transferred pursuant to section 5, and amendments thereto. Every act performed in the exercise of such transferred powers, duties and functions by or under the board of regents pursuant to section 5, and amendments thereto, shall be deemed to have the same force and effect as if performed by the Kansas technology enterprise corporation in
which such powers, duties and functions were vested prior to the effective date of this section, and amendments thereto.

(b) Whenever the Kansas technology enterprise corporation, or words of like effect, are referred to or designated by a statute, contract or other document and such reference is in regard to any of the powers, duties or functions transferred to the board of regents pursuant to section 5, and amendments thereto, such reference or designation shall be deemed to apply to the board of regents.

c) All rules and regulations, orders and directives of the Kansas technology enterprise corporation which relate to the powers, duties and functions transferred by section 5, and amendments thereto, which are in effect on the effective date of this section, and amendments thereto, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the board of regents until revised, amended, revoked or nullified pursuant to law.

d) The board of regents shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of the Kansas technology enterprise corporation relating to the powers, duties and functions transferred by section 5, and amendments thereto.

e) The board of regents shall be the continuation of the Kansas technology enterprise corporation relating to the powers, duties and functions transferred by section 5, and amendments thereto.

(f) (1) All officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the Kansas technology enterprise corporation concerning programs transferred pursuant to section 5, and amendments thereto, or who become a part of the board of regents, or the powers, duties and functions of which are transferred to the board of regents, and who, in the opinion of the board of regents, are necessary to perform the powers, duties and functions of the board of regents, shall be transferred to, and shall become officers and employees of the board of regents.

(2) Officers and employees of the Kansas technology enterprise corporation transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the Kansas technology enterprise corporation.

New Sec. 7. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under section 5,
and amendments thereto, shall be resolved by the governor, whose decision shall be final.

(b) The board of regents shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the board of regents pursuant to section 5, and amendments thereto. Any conflict as to the proper disposition of property, personnel or records arising under this section or sections 5 or 6, and amendments thereto, shall be determined by the governor, whose decision shall be final.

New Sec. 8. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in sections 2 through 7, and amendments thereto, or by or against any officer of the state in such officer’s official capacity or in relation to the discharge of such officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of sections 2 through 7, and amendments thereto. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this section, and amendments thereto.

New Sec. 9. New Sections 1 through 8, inclusive, shall become effective on July 1, 2011.

Sec. 10. From and after July 1, 2011, K.S.A. 2010 Supp. 74-520a is hereby amended to read as follows: 74-520a. (a) On and after March 15, 1995, the Kansas state fair board is hereby established. The Kansas state fair board shall consist of the following members:

(1) The secretary of agriculture or the successor of the secretary of agriculture, or the secretary’s designee;
(2) the secretary of commerce, or the secretary’s designee;
(3) the director of extension of Kansas state university of agriculture and applied science, or the director’s designee;
(4) one person appointed by the governor from three persons nominated by the Kansas chamber of commerce and industry;
(5) one person appointed by the governor from three persons nominated by the travel industry association of Kansas;
(6) one person appointed by the governor from three persons nominated by the Kansas fairs association; and
(7) one person appointed by the Kansas technology enterprise corporation from among the board of directors of the Kansas technology enterprise corporation; and

(8) six seven people from the general public appointed by the governor. Of such people appointed, one shall be from each of the five extension
areas, as established in subsection (e), and one two shall represent the state at large. Directors of each extension area shall submit three nominations to the governor. Such persons nominated shall be actively involved in agriculture production or agribusiness.

(b) Of the persons initially appointed by the governor under subsection (a), three shall have a term of one year, three shall have a term of two years and three shall have a term of three years and until a successor is appointed and qualified. Thereafter, all members shall have terms of three years and until a successor is appointed and qualified.

(c) Any vacancy occurring on the Kansas state fair board shall be filled as the original appointment was made.

(d) If any of the members able to appoint a designee does so, the designee shall be appointed for a term of not less than one year.

(e) For the purpose of this section the state shall be divided into five extension areas. The northwest extension area shall include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis, Russell, Barton, Rush and Ness. The southwest extension area shall include the following counties: Greeley, Wichita, Scott, Lane, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. The south central extension area shall include the following counties: Lincoln, Ottawa, Dickinson, Ellsworth, Saline, Rice, McPherson, Marion, Reno, Harvey, Butler, Kingman, Sedgwick, Cowley, Sumner, Harper, Barber, Pratt and Stafford. The southeast extension area shall include the following counties: Morris, Chase, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Elk, Wilson, Neosho, Crawford, Chautauqua, Montgomery, Labette and Cherokee. The northeast extension area shall include the following counties: Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee and Geary.

Sec. 11. From and after July 1, 2011, K.S.A. 74-5001a is hereby amended to read as follows: 74-5001a. The purpose of the department of commerce shall be to develop and implement strategies to:

(a) Facilitate the growth, diversification and expansion of existing enterprises and the creation by Kansans of new wealth-generating enterprises;

(b) promote economic diversification and innovation within the basic industries and sectors of the state;

(c) promote increased productivity and value added products, processes and services among wealth-generating enterprises; and the export of those goods and services created by small and large Kansas enterprises to the nation and world;

(d) maintain and revitalize economically depressed rural areas and ur-
ban neighborhoods by annually targeting scarce resources by size, sector and location to communities and enterprises of particular need and opportunity; and by working in close collaboration with local communities;

(e) protect and enhance the environmental quality of the state in ways consistent with dynamic economic growth; and

(f) forge a supportive partnership with the standing committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development, Kansas, Inc., the Kansas technology enterprise corporation, Kansas venture capital, Inc., Kansas certified development companies, Kansas small business development centers, Kansas public and private educational institutions, and other appropriate private and public sector organizations in achieving the economic goals of the state.

Sec. 12. From and after July 1, 2011, K.S.A. 2010 Supp. 74-5005 is hereby amended to read as follows: 74-5005. The department shall be the lead agency of the state for economic development of commerce through the promotion of business, industry, trade and tourism within the state. In general, but not by way of limitation, the department shall have, exercise and perform the following powers and duties:

(a) To assume central responsibility for implementing all facets of a comprehensive, long-term, economic development strategy and for coordinating the efforts of both state agencies and local economic development groups as they relate to that objective;

(b) to coordinate the implementation of the strategy with all other state and local agencies and offices and state educational institutions which do research work, develop materials and programs, gather statistics, or which perform functions related to economic development; and such state and local agencies and offices and state educational institutions shall advise and cooperate with the department in the planning and accomplishment of the purposes of this act;

(c) to advise and cooperate with all federal departments, research institutions, educational institutions and agencies, quasi-public professional societies, private business and agricultural organizations and associations, and any other party, public or private, and to call upon such parties for consultation; and assistance in their respective fields of interest, to the end that all up-to-date available technical advice, information and assistance be gathered for the use of the department, the governor, the legislature, and the people of this state;

(d) to enter into agreements necessary to carry out the purposes of this act;

(e) to conduct an effective business information service, keeping up-to-date information on such things as manufacturing industries, labor supply and economic trends in employment, income, savings and purchasing power within the state, utilizing the services and information
available from the division of the budget of the department of administration;

(f) to support a coordinated program of scientific and industrial research with the objective of developing additional uses of the state’s natural resources, agriculture, agricultural products, new and better industrial products and processes, and the best possible utilization of the raw materials in the state; and to coordinate this responsibility with the state educational institutions, with all state and federal agencies, and all public and private institutions within or outside the state, all in an effort to assist and encourage new industries or expansion of existing industries through basic research, applied research and new development;

(g) to maintain and keep current all available information regarding the industrial opportunities and possibilities of the state, including raw materials and by-products; power and water resources; transportation facilities; available markets and the marketing limitations of the state; labor supply; banking and financing facilities; availability of industrial sites; and the advantages the state and its particular sections have as industrial locations; and such information shall be used for the encouragement of new industries in the state and the expansion of existing industries within the state;

(h) to publicize information and the economic advantages of the state which make it a desirable place for commercial and industrial operations and as a good place in which to live;

(i) to establish a clearinghouse for the collection and dissemination of information concerning the number and location of public and private postsecondary vocational and technical education programs in areas critical to economic development;

(j) to acquaint the people of this state with the industries within the state and encourage closer cooperation between the farming, commercial and industrial enterprises and the people of the state;

(k) to encourage and promote the traveling public to visit this state by publicizing information as to the recreational, historic and natural advantages of the state and its facilities for transient travel and to contract with organizations for the purpose of promoting tourism within the state; and the department may request other state agencies such as, but not limited to, the Kansas water office, the Kansas department of wildlife and parks and the department of transportation, for assistance and all such agencies shall coordinate information and their respective efforts with the department to most efficiently and economically carry out the purpose and intent of this subsection;

(l) to participate in economic development and planning assistance programs of the federal government to political subdivisions;

(m) to assist counties and cities in industrial development through the establishment of industrial development corporations, including site surveys, small business administration situations, and render such other similar assistance as may be required; and in those instances where it is deemed
appropriate, to contract with and make a service charge to the county or
city involved for such services rendered;

(n) to render assistance to private enterprise on planning problems and
site surveys upon request and shall make a reasonable service charge for
such services rendered; and any moneys received for services rendered, as
provided in this subsection, shall be deposited in the fund and expended
therefrom, as provided in subsection (o);

(o) to make agreements with other states and with the United States
government, or its agencies, and to accept funds from the federal govern-
ment, or its agencies, or any other source for research studies, investigation,
planning and other purposes related to the duties of the department; and
any funds so received shall be remitted to the state treasurer in accordance
with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
receipt of each such remittance, the state treasurer shall deposit the entire
amount in the state treasury to the credit of a special revenue fund which
is hereby created and shall be known as the “economic development fund”
or used in accordance with or direction of the contributing federal agencies;
and expenditures from such fund may be made for any purpose in keeping
with the responsibilities, functions and authority of the department; and
warrants on such fund shall be drawn in the same manner as required of
other state agencies upon vouchers signed by the secretary;

(p) to do other and further acts as shall be necessary and proper in
fostering and promoting the industrial development and economic welfare
of the state;

(q) to organize, or cause to be organized, an advisory board or boards
representing interested groups, including industry, labor, agriculture, sci-
entific research, the press, the professions, industrial associations, civic
groups, etc.; and such board or boards shall advise with the department as
to its work and the department shall, as far as practicable, cooperate with
such board or boards, and secure the active aid thereof in the accomplish-
ment of the aims and objectives of the department;

(r) to perform the duties imposed under the Kansas venture capital com-
pany act;

(s) to serve as the central agency and clearinghouse to collect and dis-
deminate ideas and information bearing on local planning problems; and,
in so doing, the department, upon request of the board of county commis-
sioners of any county or the governing body of any city in the state, may
make a study and report upon any planning problem of such county or city
submitted to it;

(t) to disseminate to the public information concerning economic de-
velopment programs available in the state, regardless of whether such pro-
grams are administered by the department or some other agency and the
department shall make available audio-visual and written materials describ-
ing the economic development programs to local chambers of commerce,
economic development organizations, banks and public libraries and shall
take other measures as may be necessary to effectuate the purpose of this subsection; and

(u) to perform the duties imposed under the individual development account program act, K.S.A. 2010 Supp. 74-50,201 through 74-50,208, and amendments thereto; and

(v) except as otherwise provided by law, perform the duties and carry out the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto.

Sec. 13. From and after July 1, 2011, K.S.A. 2010 Supp. 74-50,133 is hereby amended to read as follows: 74-50,133. There is hereby created within the department of commerce the “high performance incentive fund” to provide matching funds for business assistance and consulting services to qualified firms under the provisions of K.S.A. 74-50,131, and amendments thereto, that are entitled to a workforce training tax credit under the provisions of K.S.A. 74-50,132, and amendments thereto, or have received written approval for and are participating, at the time the funds are sought, in the Kansas industrial training, Kansas industrial retraining or state of Kansas investments in lifelong learning program, subject to appropriation of funds and program criteria, as hereinafter provided. The department of commerce may provide funds to qualified firms, on a matching basis, to pay up to 50% of such firm’s costs of acquiring consulting services provided by the mid-America manufacturing technology center, or approved private consultants to assist in improving the firm’s management, production processes or product or service quality. Qualified firms also shall receive priority consideration for any other business assistance programs administered by the department of commerce, the Kansas technology enterprise corporation and the mid-America manufacturing technology center.

Sec. 14. From and after July 1, 2011, K.S.A. 2010 Supp. 74-50,151 is hereby amended to read as follows: 74-50,151. (a) There is hereby created in the state treasury the Kansas economic opportunity initiatives fund. Subject to acts of the legislature applicable thereto, the moneys in the Kansas economic opportunity initiatives fund shall be used only for the purposes prescribed by this section.

(b) All expenditures made pursuant to this act shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the governor or the governor’s designee. The governor may approve a warrant upon certification, by the secretary of commerce, that an economic emergency or unique opportunity exists which warrant funding for a strategic economic intervention by such state agency or agencies to address expenses involved in securing economic benefits or avoiding or remediying economic losses related to:

(1) A major expansion of an existing Kansas commercial enterprise;

(2) the potential location in Kansas of the operations of a major employer;
(3) the award of a significant federal or private sector grant which has a financial matching requirement;
(4) the departure from Kansas or the substantial reduction of the operations of a major employer; and
(5) the closure or the substantial reduction of a major federal or state institution or facility.

(c) An intervention strategy may include financial assistance in the form of grants, loans or both. The department of commerce shall adopt written guidelines concerning the terms and conditions of any such loans. However, all repaid funds shall be credited to the Kansas economic opportunity initiatives fund. No intervention strategy approved pursuant to this act shall facilitate the moving of an existing Kansas firm to another location within the state unless such restriction is waived by the secretary of commerce. Every intervention strategy approved pursuant to this act shall identify the intended outcomes to be realized by the strategy for which funding is sought.

(d) The department of commerce and Kansas, Inc. shall make joint findings concerning the costs and benefits, on both a local and statewide basis, of projects proposed pursuant to this act. Prior to allocation of any funds pursuant to this act, the governor shall review the cost-benefit findings performed on each project.

(e) The director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the state economic development initiatives fund during the fiscal year. During any period when the legislature is not in session, 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 economic development initiatives fund during a fiscal year are insufficient to fund the budgeted expenditures and transfers from the state economic development initiatives fund for the fiscal year in accordance with the provisions of appropriation acts, the director of the budget shall make a certification of such finding to the governor. Upon approval by the governor, the director of accounts and reports shall transfer the amount of moneys from the Kansas economic opportunity initiatives fund to the state economic development initiatives fund that is required, in accordance with a certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the state economic development initiatives fund for the fiscal year in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the state economic development initiatives fund interest earnings based on:
(1) The average daily balance of moneys in the Kansas economic opportunity initiatives fund for the preceding month; and
(2) the net earnings rate for the pooled money investment portfolio for
the preceding month.

(g) A three member panel consisting of the secretary of commerce,
the president of Kansas, Inc., the president of the Kansas technology
enterprise corporation, the private sector chairperson of the board of Kansas,
Inc., and the private sector chairperson of the Kansas technology enterprise
corporation and the private sector chairperson of the board of Kansas, Inc.
shall review annually the propriety of projects funded under this section.
The panel shall report its findings in writing to the governor, the new econ-
omy committee of the house of representatives, the senate commerce com-
mittee and the joint committee on economic development. The report to the
new economy committee of the house of representatives, the commerce
committee of the senate and the joint committee on economic development
under this subsection shall be made either (1) by the panel by publishing
such report on the internet and by notifying each member of the committees
that the report is available and providing, as part of such notice, the uniform
resource locator (URL) at which such report is available, or (2) by submit-
ting copies of such report on CD-ROM or other electronically readable
media to such committees.

Sec. 15. From and after July 1, 2011, K.S.A. 2010 Supp. 74-50,156 is
hereby amended to read as follows: 74-50,156. (a) There is hereby estab-
lished within and as a part of the department of commerce the agriculture
products development division. The secretary of commerce shall appoint a
director of such division and such director shall be in the unclassified serv-
ice of the Kansas civil service act. Subject to and in accordance with ap-
propriations acts, the agriculture products development division shall in-
clude: (1) All powers, duties and functions related to the agricultural value
added center pursuant to subsections (b) and (c); (2) all powers and duties
created regarding the division of markets pursuant to K.S.A. 74-530, and
amendments thereto, which are hereby transferred; (3) all powers and duties
created regarding registered trademarks pursuant to K.S.A. 74-540a, and
amendments thereto, which are hereby transferred; (4) all powers and duties
regarding the trademark fund pursuant to K.S.A. 74-540b, and amendments
thereto, which are hereby transferred; and (5) all powers and duties created
regarding expenditures and moneys credited to the market development
fund pursuant to K.S.A. 74-540c, and amendments thereto, which are
hereby transferred.

(b) The objectives of the agricultural value added center within the
agriculture products development division shall include, but not be limited
to, providing technical assistance to existing and potential value added fa-
cilities, including incubator facilities; developing a network for collecting
and distributing information to individuals involved in value added proc-
essing in Kansas; initiating pilot plant facilities to act as research and development laboratories for existing and potential small scale value added processing endeavors in Kansas; providing technical assistance to new agricultural value added businesses; developing and promoting communication and cooperation among private businesses; state government agencies and public and private colleges and universities in Kansas; establishing research and development programs in technologies that have value added commercial potential for food and nonfood agricultural products achieving substantial and sustainable continuing growth for the Kansas economy through value added products from agriculture; serving as a catalyst for industrial agriculture through technological innovation in order to expand economic opportunity for all Kansas communities; establishing an industrial agriculture industry for the state of Kansas; commercializing the developed industrial agriculture technology in smaller communities and the rural areas of Kansas; and developing investment grade agriculture value added technologies and products.

(c) Subject to the provisions of appropriations acts, the functions of the agricultural value added center within the agriculture products development division shall include, but not be limited to, developing a market referral program, matching distribution to buyers in coordination with other state agencies concerned with marketing Kansas products; assisting private entrepreneurs in the establishment of facilities and markets for new agricultural value added endeavors; and introducing coordinated programs to develop marketing skills of existing agricultural value adding processors in Kansas.

(d) (1) It shall be the duty of the agriculture products development division to perform acts and to do, or cause to be done, those things which are designed to lead to the more advantageous marketing of agricultural products of Kansas. For these purposes the division may:

(A) Investigate the subject of marketing farm products;
(B) promote their sales distribution and merchandising;
(C) furnish information and assistance to the public;
(D) study and recommend efficient and economical methods of marketing;
(E) provide for such studies and research as may be deemed necessary and proper;
(F) gather and diffuse timely and useful information concerning the supply, demand, prevailing prices and commercial movement of farm products including quantity in common storage and cold storage, in cooperation with other public or private agencies;
(G) conduct market development activities and assist and coordinate participation by companies, commodity organizations, trade organizations, producer organizations and other interested organizations to develop new markets and sales for Kansas agricultural commodities and food products;
(H) render assistance to any of the entities listed in subsection (G) and
development activities and make a reasonable service charge for such services rendered by the division; and

(I) make agreements with other states and with the United States government, or its agencies, and accept funds from the federal government, or its agencies, or any other source for research studies, investigation, market development and other purposes related to the duties of the division.

(2) The department of commerce shall remit all moneys received under this subsection to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the market development fund. All expenditures from such fund shall be made for any purpose consistent with this subsection and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or a person designated by the secretary.

(e) (1) In conjunction with any trademark registered by the department of commerce, the agriculture products development division is hereby authorized to:

(A) Promulgate policy regarding the use of any such trademark;
(B) print, reproduce or use the trademark in or on educational, promotional or other material;
(C) fix, charge and collect fees for the use of the trademark provided that the fees shall be fixed in an amount necessary to recover all direct costs associated with the production of educational, promotional and other materials associated with a trademark program; and
(D) enter into any contracts necessary to carry out the purposes of this subsection, which contracts shall not be subject to the bidding requirements of K.S.A. 75-3739, and amendments thereto.

(2) The secretary of commerce shall remit all moneys received under this subsection to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the trademark fund. All expenditures from such fund shall be made for any purpose consistent with this subsection and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or a person designated by the secretary.

(f) On or before February 1 of each year, the agriculture products development division shall present an oral and written report to the house and senate agriculture committees concerning the performance indicators, performance outcomes, activities and functions of the division for the previous year. Such report shall include a budget of how moneys appropriated or otherwise authorized to be expended from the state general fund or any special revenue fund for the agriculture products development division of the department of commerce for the previous fiscal year were spent and a
projected budget of moneys appropriated or otherwise authorized to be expended from the state general fund or any special revenue fund for the agriculture products development division of the department of commerce for the current fiscal year. Such report shall further include the full-time equivalent number of positions financed from appropriations and allocated for the agriculture products development division of the department of commerce for each fiscal year. In the report to the 1997 legislature, the division’s report shall include a mission statement for the reorganized division.

(g) Subject to appropriation acts, the secretary of commerce shall fulfill all contracts in existence on the effective date of this act between the Kansas technology enterprise corporation and the alternative agriculture research and development center.

Sec. 16. From and after July 1, 2011, K.S.A. 74-8102 is hereby amended to read as follows: 74-8102. (a) The purpose of the Kansas technology enterprise corporation K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, is to foster innovation in existing and developing businesses, especially the creation, growth and expansion of Kansas enterprises in a diversified range of primary sectors, which develop value-added products, processes and services including, but not limited to:

(1) Existing resource-based industries of agriculture, oil, gas, coal and helium;
(2) existing advanced technology industries of aviation, pharmaceuticals, computers and electronics; and
(3) emerging industries of telecommunications, computer software, information services and research services.

(b) The corporation department of commerce shall achieve the purpose stated in subsection (a) of this section by:

(1) Financing basic research, applied research and development, and technology transfer at Kansas educational institutions which meet competitive standards of excellence as measured by national and international peers, and which create innovative collaboration between Kansas educational institutions and Kansas enterprises;
(2) awarding applied research matching grants to Kansas educational institutions and Kansas private enterprises in order to move innovation and applied research toward commercial application;
(3) engaging in seed-capital financing for the development and implementation of innovations or new technologies for existing resource, technology-based and emerging Kansas businesses; and
(4) providing technical referral services to such small, new, emerging or mature businesses and encouraging Kansas educational institutions to establish technical information data bases and industrial liaison offices which are easily accessible by both private and public sector Kansas organizations.
(c) The department of commerce, Kansas, Inc. and All other interested state agencies shall cooperate with the Kansas technology enterprise corporation department of commerce in providing information and other assistance as may be requested for the performance of its duties with respect to the state’s economic development strategy.

Sec. 17. From and after July 1, 2011, K.S.A. 74-8103 is hereby amended to read as follows: 74-8103. As used in this act, unless the context clearly requires otherwise:

(a) “Applied research” means those research activities occurring at educational institutions and in private enterprises, which have potential commercial application;

(b) “basic research” means research that has long range generic value to an industry classification or group of companies. Basic research is distinguished from applied research which has more short range present value to a single company or project;

(c) “corporation” means the Kansas technology enterprise corporation; “board” means the Kansas technology enterprise advisory board;

(d) “department” means the department of commerce;

(e) “educational institutions” means public and private community colleges, colleges and universities in the state;

(f) “enterprise” means a firm with its principal place of business in Kansas which is engaged or proposes to be engaged in this state in agricultural, natural resource-based or other manufacturing, research and development, or the provision of technology-based services;

(g) “new technology” means the development through science or research of methods, processes and procedures, including but not limited to those involving the utilization of agricultural products and by-products and oil and gas and other mineral resources for practical application in industrial and service situations;

(h) “person” means any individual, partnership, corporation or joint venture carrying on business or proposing to carry on business within the state;

(i) “product” means any product, device, technique or process, which is or may be developed or marketed commercially; however, “product” does not refer to basic research but shall apply to such products, devices, techniques or processes which have advanced beyond the theoretical stage and are in a prototype or practice stage;

(j) “qualified security” means any public or private financial arrangement, involving any note, security, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable security, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument
commonly known as a “security” or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing to the extent allowed by law;

(k) ‘‘secretary’’ means the secretary of commerce; and

(l) ‘‘seed capital’’ means financing that is provided for the development, refinement and commercialization of a product, process or innovation, whether for the startup of a new firm, the expansion or the restructuring of a small firm.

Sec. 18. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8104 is hereby amended to read as follows: 74-8104. (a) The corporation secretary shall have all the powers necessary to achieve the purposes, specified in K.S.A. 74-8102, and amendments thereto, including the power to:

(1) Make, amend and repeal by-laws, rules and regulations for the management of its affairs. Adopt rules and regulations as deemed necessary for the implementation of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;

(2) sue and be sued;

(3) make contracts and execute all instruments necessary or convenient for carrying out its business the powers and duties under K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;

(4) acquire, own, hold, dispose of and encumber real or personal property of any nature, both tangible and intangible, or any interest therein;

(5) enter into agreements or other transactions with any federal, state, county or municipal agency and with any individual, corporation, enterprise, association or any other entity involving applied research and technology;

(6) acquire real property or an interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the corporation department has an interest;

(7) sell, transfer and convey any such property to a buyer, and in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property to a tenant;

(8) invest any funds appropriated by the state and held in reserve in funds not required for immediate disbursement, in such investments that may be lawful for fiduciaries in this state, and invest funds received from gifts, grants, donations and other operations of the corporation department in such investments as would be lawful for a private corporation having purposes similar to the corporation department;

(9) borrow money and give guarantees, provided that the indebtedness and other obligations of the corporation department shall be payable solely out of its own resources, funds, and shall not constitute a pledge of the full faith and credit of the state or any of its revenues;
(9) appoint officers, consultants, agents and advisors, and prescribe their duties and compensation;
(10) appear in its own behalf before boards, commissions, departments or other agencies of municipal, county or state government or federal government;
(11) procure insurance against any losses in connection with its properties in such amounts from such insurers as may be necessary or desirable;
(12) consent, subject to the provisions of any contract with note-holders, whenever it considers it necessary or desirable in the fulfillment of the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, to the modifications, with respect to the rate of interest, time payment or of any installment, of principal and interest or any terms of any contract or agreement of any kind to which the corporation is a party;
(13) accept any and all donations, grants, bequests and devises, conditional and otherwise, of money, property, services or other things of value which may be received from the United States or any agency thereof, any governmental agency, or any institution, person, firm or corporation, public or private, to be held, used or applied for any or all of the purposes specified in K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, in accordance with the terms and conditions of any such grant;
(14) trade, buy or sell qualified securities, including without limitation, the powers to guarantee, purchase, take, receive, subscribe for or otherwise acquire, to own, hold, use or otherwise employ; to sell, lease, exchange, transfer or otherwise dispose of; to mortgage, lend, pledge or otherwise deal in and with, qualified securities issued by any other domestic or foreign corporation, partnership, association, limited liability company, or business trust, whether or not such issuer was organized or caused to be organized by the corporation secretary. The corporation secretary, while owner of any such qualified securities, may exercise all of the rights, powers and privileges of ownership, including without limitation the right to vote;
(15) finance, conduct or cooperate in the financing or conducting of scientific, technological, business, financial or other investigations which are related to or likely to lead to business and economic development, involving natural resources, innovation, applied research and new technology, by making and entering into contracts or other appropriate arrangements, including the provisions of grants, loans and other forms of assistance;
(16) solicit, study and assist in the preparation of business plans and proposals of new or established resource and technologically oriented enterprises of special importance to the Kansas economy;
(17) prepare, publish and distribute such technological studies, reports, bulletins and other materials as it considers appropriate, subject only
to the maintenance and responsibility for confidentiality of the client proprietary information, and encourage educational institutions to develop and disseminate similar materials;

(18) organize, conduct, sponsor or cooperate with, and assist both the private sector and educational institutions in the conduct of, special institutes, conferences, demonstrations and studies relating to the stimulation and formulation of innovation, applied science and technologically oriented enterprises and studies relating to the formulation of resource and technologically oriented enterprises and industry endeavors;

(19) provide and pay for such advisory services and technical assistance that may be necessary or desirable to carry out the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;

(20) own, possess and take license in, patents, copyrights and proprietary processes and negotiate and enter into contracts and establish charges for the use of such patents, copyrights and proprietary processes when such patents and licenses for innovation or inventions result from research sponsored by the corporation department in a private enterprise or when the corporation department finances a product developed by a private enterprise;

(21) negotiate royalty payments to the corporation department on patents and licenses for innovations or inventions arising in the course of research sponsored by the corporation department at educational institutions under the jurisdiction of the Kansas board of regents; such negotiated royalty arrangements should reflect an appropriate sharing of legal risk as well as financial return between the corporation department and educational institution; such patents and licenses shall be in keeping with the patent policies of the Kansas board of regents;

(22) exercise any other powers necessary for the operation and functioning of the corporation within the purposes authorized in this act department within the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;

(23) participate with any state agency or educational institution in developing specific programs and goals to assist in the development of industrial innovation, applied research and new technology of special importance to the Kansas economy, and monitor performance;

(24) cooperate with the department of commerce regarding financial assistance programs targeted to small enterprises of special importance to the Kansas economy; and

(25) provide resource-based, scientific and technological data and information required by the governor, the legislature, or its committees, and to state agencies, educational institutions and cities, counties and school districts and to private citizens and groups, within the limitations of the resources available to the corporation department. This service shall be in
addition to any services currently provided by any educational institution, committee or other organization in the state; and

(25) dispose of any direct or indirect stock or other equity or investment asset transferred to the department pursuant to this act except that such disposition shall be made in the best interests of the state of Kansas and solely at the discretion of the secretary and shall not be required otherwise.

(b) The corporation shall be exempt from all franchise, corporate business and income taxes levied by the state. However, this act is not intended to exempt from any such taxes, or from any taxes levied in connection with the manufacture or sale of any products or processes which are the subject of any agreement made by the corporation, or any person entering into any agreement with the corporation.

(c) Documents and other materials submitted to the corporation department by Kansas businesses shall not be public records if such records are trade secrets under the uniform trade secrets act (K.S.A. 60-3320 et seq. and amendments thereto) or are determined by the corporation department to be business secrets, and shall be maintained in a secured environment by the president secretary.

(d) The corporation department shall not be subject to state purchasing laws.

Sec. 19. From and after July 1, 2011, K.S.A. 74-8106 is hereby amended to read as follows: 74-8106. (a) The purpose of this section is to authorize the establishment of three types of centers of excellence at educational institutions: Centers of excellence for basic research, centers of excellence for applied research and development, and centers of excellence for technology transfer.

(b) Centers of excellence for basic research will primarily undertake ongoing basic research with a particular focus that will have long-run potential for commercial development. The centers should build on institutional strengths and be in areas of research where the educational institution has achieved or has true promise of attaining a standard of excellence as recognized by national and international peers.

(1) The Kansas technology enterprise basic research fund is hereby created to which shall be credited any state funds specifically so designated. The fund is not to be used for applied research, technology transfer, technical assistance or training except as it is incidental to the basic research intended to be benefited by this section.

(2) The corporation department of commerce may use the Kansas technology enterprise basic research fund to carry out the purposes of this act K.S.A. 74-8102, and amendments thereto, by awarding funds to establish new centers of excellence for basic research or to increase funding to such already established centers of excellence so long as those centers are determined to be primarily carrying out basic research and to meet the standards of excellence required by this act this section and K.S.A. 74-8102 and
amendments thereto. Awards of funds shall be made on a competitive basis, and all proposals for new centers of excellence shall be subject to external peer review on the basis of scientific merit which meet national standards of excellence and subsequent potential for commercial application.

(c) Centers of excellence for applied research and development will primarily undertake applied research and development with a particular focus that will have long-run potential for commercial development. The centers should build on institutional strengths and be in areas of research where the educational institution has achieved or has true promise of attaining a standard of excellence in applied research and development.

1) The Kansas technology enterprise applied research and development fund is hereby created to which shall be credited any state funds specifically so designated. The fund is not to be used for basic research, technology transfer, technical assistance or training except as it is incidental to the applied research and development intended to be benefited by this section.

2) The corporation department of commerce may use the Kansas technology enterprise applied research and development fund to carry out the purposes of this act by awarding funds to establish new centers of excellence for applied research and development or to increase funding to such already established centers of excellence so long as those centers are determined to be carrying out primarily applied research and development, and to be meeting the standards of excellence required by this act. Awards of funds shall be made on a competitive basis, and all proposals for new centers of excellence shall be subject to external peer review on the basis of scientific merit which meets national standards of excellence and subsequent potential for commercial application.

(d) Centers of excellence for technology transfer will primarily undertake ongoing transfer of technology from educational institutions to Kansas business.

1) The Kansas technology enterprise technology transfer fund is hereby created to which shall be credited any state funds specifically so designated. The fund is not to be used for basic research, applied research and development, technical assistance or training except as it is incidental to the technology transfer intended to be benefited by this section.

2) The corporation department of commerce may use the Kansas technology enterprise technology transfer fund to carry out the purposes of this act K.S.A. 74-8102, and amendments thereto, by awarding funds to establish new centers of technology transfer or to increase funding to such already established centers of excellence so long as those centers are determined to be carrying out primarily technology transfer.

3) Awards of funds shall be made on a competitive basis and all proposals for new centers of excellence shall be subject to external peer review on the basis of merit which meets national standards of excellence and potential for increasing the competitiveness of Kansas business.
(e) The corporation department of commerce shall award funding to centers of excellence in accordance with subsections (g) and (h).

(f) In carrying out its functions under this section, the corporation board of regents is directed to create a centers of excellence committee to assist in evaluating the establishment of new centers of excellence and in evaluating increases in funding for already established centers of excellence. The membership of the centers of excellence committee may include both directors and staff members of the corporation employees of the department of commerce, and other persons drawn from sources other than the corporation who meet standards similar to those applying to the board of directors and department of commerce who are recognized by their peers for outstanding knowledge and leadership in their fields.

(g) The corporation department of commerce shall award funding for new centers and increased funding for established centers only after:

1. Developing, adopting and publishing the criteria it shall use when evaluating centers of excellence;
2. developing a level of core funding for each center of excellence; and
3. receiving the recommendation of the centers of excellence committee which will review proposals for new or established centers of excellence containing:
   A. Documentation that not less than 50% of the center’s funding above the established level of core funding will be matched by sources other than the corporation department of commerce; machinery or equipment may be considered as part of the matching funds, but must be accompanied by a statement that the center of excellence has received the machinery or equipment, it is state of the art; and either
      i. verifying that the machinery or equipment is donated and has only been used in testing to insure quality control, or used by a wholesaler or retailer for demonstration purposes only; or
      ii. detailing the price paid by the center of excellence, with an invoice showing the amount paid for the equipment;
   B. a description of a potential for future benefit to industry;
   C. an itemized operations budget; and
   D. other information that may be required by the board department of commerce.

(h) The board department of commerce shall approve proposals to establish new centers of excellence after the department of commerce finds, based upon the proposal submitted, external peer reviews, and such additional investigation as the staff of the corporation shall make and incorporate in its minutes department of commerce shall make that:

1. The proposed center of excellence has the potential to stimulate economic growth by bringing together educational institutions and businesses in partnerships to focus on basic research, applied research and development, and technology transfer;
(2) the center has the long-run potential for benefit to existing and new businesses through innovation and development of new technology; and

(3) approval of the proposal will not create or foster unnecessary duplication of programs, particularly at the graduate level of instruction.

(i) Each existing Kansas center of excellence is eligible for annual support from the corporation according to the same terms and conditions as provided in this act for new centers except that an external peer review to determine under what provision of this statute and by what terms continuing funding is appropriate shall be conducted annually during the first three years after the center of excellence is established and shall be conducted biennially thereafter. In the years between external peer reviews conducted on a biennial basis, the corporation shall conduct internal reviews to determine under what provision of this statute and under what terms continuing funding is appropriate.

(j) Any commercialized research that results from the funding of a center of excellence shall be subject to negotiations under provisions of (21) and (22) of subsection (a) of K.S.A. 74-8104 and amendments thereto. The department of commerce may require any educational institution where a center of excellence is located to oversee the operation of such center of excellence.

(k) Kansas, Inc. shall annually transmit to the governor and the legislature a report, based on information received from the board of regents, describing the funding and expenditures of each center of excellence for the preceding year, including the purposes for which such expenditures were made.

Sec. 20. From and after July 1, 2011, K.S.A. 74-8107 is hereby amended to read as follows: 74-8107. (a) The Kansas technology enterprise applied research matching grant fund is hereby created, to which shall be credited any state funds specifically so designated.

(b) The corporation may use the Kansas technology enterprise applied research fund to carry out the purposes of this act by awarding competitive applied research grants to educational institutions and private enterprises of special importance to the Kansas economy. The fund is not to be used for pure research technology transfer technical assistance or training but only for actual applied research.

(c) The board shall award grants only after:

(1) Developing, adopting and publishing the criteria it shall use when evaluating research proposals; and

(2) reviewing applied research proposals which present:

(A) Documentation, if the proposal is from an educational institution, that not less than 60% of the total direct cost of the proposed project will be provided by sources other than the corporation; machinery or equipment
may be considered as part of the matching funds for the research, but must be accompanied by a statement:

(i) That the educational institution has received the machinery or equipment and it is state of the art; and either

(ii) verifying that the equipment or machinery is donated and has only been used in testing to insure quality control, or used by a wholesaler or retailer for demonstration purposes only; or

(iii) detailing the price paid by the educational institution, with an invoice showing the amount paid for the machinery or equipment;

(B) documentation, if the proposal is from a private enterprise, that not less than 60% of the total direct cost of the proposed project will be provided by sources other than the corporation department or through in-kind services provided through the private enterprise as evaluated by the board or review committee secretary;

(C) a description of the future commercial application and the industrial sectors that will likely benefit by the applied research project and the potential for job creation;

(D) an itemized research budget, time line and research methodology;

(E) a recommendation from the sponsoring educational institution or business enterprise; and

(F) other information that may be required by the board.

(d) The board secretary shall approve such applied research proposals after the board secretary finds, based upon the proposal submitted and such additional investigation as the staff of the corporation department shall make and incorporate in its minutes, that:

(1) The proposed project is research that leads to innovation, new knowledge or technology and is not training or technical assistance for business firms;

(2) the proposed applied research project will expand that field’s technological base within the state;

(3) the project will enhance employment opportunities within Kansas; and

(4) the project is technically sound and will produce a measurable result.

(e) The board of directors secretary shall create an applied research committee to assist in evaluating potential applied research projects. The membership of this applied research committee may include both directors and staff members of the corporation employees of the department, and other persons drawn from sources other than the corporation who meet standards similar to those applying to the board of directors and department who are recognized by their peers for outstanding knowledge and leadership in their fields.

(f) Any commercialized research that results from a corporation an applied research grant shall be subject to provisions paragraphs (2) and
Sec. 21. From and after July 1, 2011, K.S.A. 74-8108 is hereby amended to read as follows: 74-8108. (a) The corporation secretary is directed to develop a small business innovation research (SBIR) matching grant program which meets the highest current standards for state matching grants to federal phase I SBIR program. Prior to establishing the SBIR matching grant program, the corporation secretary shall conduct a survey and analysis of the most effective SBIR matching grant programs existing in other states.

(b) The corporation secretary is hereby directed to establish a small business innovation research bridge financing fund. Such fund shall provide grants, loans, royalty or equity investment to firms that have previously received federal phase I SBIR moneys and that have applied for a phase II SBIR grant.

Sec. 22. From and after July 1, 2011, K.S.A. 74-8108a is hereby amended to read as follows: 74-8108a. Five years from the effective date of this act, the corporation secretary shall conduct a review of the small business innovation research bridge financing program and report the results of the review to the legislature. Such review shall determine the extent to which the program has achieved the following outcomes:

(a) Increased the number of phase II SBIR grant proposals;

(b) increased the percentage of phase II SBIR grants awarded to researchers in the state;

(c) stimulated subsequent investments by industry venture capital and other federal sources;

(d) encouraged development of industry partners with researchers; and

(e) encouraged development of business or commercialization plans for new technology.

Sec. 23. From and after July 1, 2011, K.S.A. 74-8109 is hereby amended to read as follows: 74-8109. (a) There is hereby created the technology enterprise seed-capital fund to which shall be credited any state funds specifically so designated. The corporation secretary may credit the fund with unrestricted appropriations, gifts, donations or grants received from any source and with payments on loans made from the fund.

(b) The corporation secretary may use the Kansas technology enterprise seed-capital fund as follows:

(1) To carry out the purposes of this act K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, through investments in qualified securities and through the forms of financial assistance authorized by this act K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, including:

(A) Loans, loans convertible to equity, and equity;

(B) leaseholds;
(C) management or consultant service agreements;
(D) loans with warrants attached that are beneficially owned by the corporation department;
(E) loans with warrants attached that are beneficially owned by a party other than the corporation department; and
(F) any other contractual arrangement in which the corporation department is providing scientific and technological services to any federal, state, county or municipal agency, or to any individual, corporation, enterprise, association or any other entity involving science and technology. The corporation secretary, in connection with the provision of any form of financial assistance, may enter into royalty agreements with an enterprise.

(2) To pay all or a portion of the corporation's department's operating expenses from revenues generated by seed-capital fund investments, which shall be an amount sufficient to allow the corporation department to undertake and efficiently manage its responsibilities.

(3) To invest in such other investments as are lawful for Kansas fiduciaries.

(c) The corporation secretary may use the Kansas technology enterprise seed-capital fund to purchase qualified securities issued by enterprises as a part of a resource and technology project for the purpose of raising the initial capital for such projects subject to the conditions set forth in this section.

(d) The corporation secretary may use the fund to make low-interest or zero-interest loans to business incubator facilities in exchange for royalties from future gross sales generated by enterprises created in the incubator.

(e) The corporation secretary shall purchase qualified securities issued by an enterprise as a part of a resource and technology project only after:

(1) Receipt of an application from the enterprise which contains:
   (A) A business plan including a description of the enterprise and its management, product and market;
   (B) a statement of the amount, timing and projected use of the capital required;
   (C) a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created; and
   (D) such other information as the corporation board of directors secretary shall request.

(2) Approval of the investment by the corporation department may be made after the board of directors secretary finds, based upon the application submitted by the enterprise and such additional investigation as the staff of the corporation shall make and incorporate in its minutes, department shall make that:

   (A) The proceeds of the investment will be used only to cover the seed-capital needs of the enterprise except as authorized by this section;
   (B) the enterprise has a reasonable chance of success;
the corporation's department's participation is instrumental to the success of the enterprise and its retention within the state because funding otherwise available for the enterprise is not available on commercially reasonable terms;

(D) the enterprise has the reasonable potential to create a substantial amount of employment within the state;

(E) the entrepreneur and other founders of the enterprise have already made or are contractually committed to make a substantial financial and time commitment to the enterprise;

(F) the securities to be purchased are qualified securities;

(G) there is a reasonable possibility that the corporation department will recoup at least its initial investment; and

(H) binding commitments have been made to the corporation department by the enterprise for adequate reporting of financial data to the corporation department, which shall include a requirement for an annual report, or if required by the board, an annual audit of the financial and operational records of the enterprise, and for such control on the part of the corporation as the board of directors department shall consider prudent over the management of the enterprise, so as to protect the investment of the corporation department, including in the discretion of the board secretary and without limitation, right of access to financial and other records of the enterprise.

(f) The board of directors secretary shall create an investment committee to assist in evaluating potential investments in qualified securities. The membership of this investment committee may include both directors and staff members of the corporation department, and other persons drawn from sources other than the corporation who meet standards similar to those applying to the board of directors and department who are recognized by their peers for outstanding knowledge and leadership in their fields, all of whom shall serve at the pleasure of the board secretary.

(g) The corporation secretary shall not make investments in qualified securities issued by enterprises in excess of the amount necessary to own more than 49% of qualified securities in any one enterprise at the time of the purchase by the corporation department, after giving effect to the conversion of all outstanding convertible qualified securities of the enterprise except that in the event of severe financial difficulty of the enterprise, threatening, in the judgment of the board of directors secretary, the investment of the corporation department therein, a greater percentage of such securities may be owned by the corporation department.

Sec. 24. From and after July 1, 2011, K.S.A. 74-8110 is hereby amended to read as follows: 74-8110. (a) The Kansas technology enterprise corporation secretary shall establish a clearinghouse to provide technology transfer and technical referral services and shall fund educational institutions to establish technical information data bases and industrial liaison
offices which are easily accessible by both private and public sector organizations.

(b) The corporation secretary shall provide to private enterprises and individuals, services which include, but are not limited to:

1. Disseminating such research and technical information as is available to the corporation department;
2. Referring clients to researchers or laboratories for the purpose of testing and evaluating new products, processes or innovations;
3. Assisting persons developing innovations or new technology in locating enterprises or entrepreneurs that may be interested in applying such innovations or new technologies; and
4. Providing managerial assistance to enterprises requesting such assistance, but particularly to those small enterprises of special importance to the Kansas economy.

(c) The corporation secretary shall encourage business enterprises to use such technology transfer and technical support services as provided by educational institutions and especially the state’s small business development centers.

Sec. 25. From and after July 1, 2011, K.S.A. 74-8111 is hereby amended to read as follows: 74-8111. (a) The corporation secretary shall publish an annual report which shall include an audit in accordance with generally accepted accounting principles as of June 30 of each year, and present the report to the governor, the legislature and Kansas, Inc., setting forth in detail the operations and transactions conducted by it pursuant to K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, or to other legislation. The annual report shall specifically account for the ways in which the purpose of the corporation purposes and the programs described in K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, have been carried out, and the recommendations shall specifically note what changes in the activities of the corporation department and the programs it administers, and of state government are necessary to better address the purposes described in K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto. The corporation secretary shall distribute its annual report by such means that will make it widely available to those innovative enterprises of special importance to the Kansas economy.

(b) The corporation secretary shall annually review and prepare a report showing how and at what level other states fund the programs provided for under K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto. The corporation secretary shall recommend an appropriate funding level for Kansas which will make these programs nationally competitive with those of other states. The corpo-
tion's secretary's findings and recommendations shall be submitted to the governor and the legislature.

(c) The corporation secretary shall adopt a threshold funding level for each of the programs provided for under this act K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto. The threshold amount shall provide for funding that is great enough to have a significant impact and carry out the intent of this act K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto. If the appropriation to fund these programs falls below the threshold, then no funding shall be provided by the corporation department to the program funded below threshold level.

(d) The corporation shall be subject to an audit by the legislative division of post audit.

Sec. 26. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8131 is hereby amended to read as follows: 74-8131. (a) The purpose of the Kansas angel investor tax credit act is to facilitate the availability of equity investment in businesses in the early stages of commercial development and to assist in the creation and expansion of Kansas businesses, which are job and wealth creating enterprises, by granting tax credits against the Kansas income tax liability of investors investing in these businesses. The Kansas angel investor tax credit act shall be administered by the Kansas technology enterprise corporation (KTEC) secretary with the primary goal of encouraging individuals to provide seed-capital financing for emerging, Kansas businesses engaged in the development, implementation and commercialization of innovative technologies, products and services.

(b) This act K.S.A. 2010 Supp. 74-8131 through 74-8137, and amendments thereto, shall be known and may be cited as the Kansas angel investor tax credit act.

Sec. 27. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8132 is hereby amended to read as follows: 74-8132. As used in this act:

(a) “Angel investor” and “investor” mean an accredited investor who is a natural person or an owner of a permitted entity investor, who is of high net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act, and who seeks high returns through private investments in start-up companies and may seek active involvement in business, such as consulting and mentoring the entrepreneur. For the purposes of this act, a person who serves as an executive, officer, employee, vendor or independent contractor of the business in which an otherwise qualified cash investment is made is not an angel investor and such person shall not qualify for the issuance of tax credits for such investment;

(b) “Bioscience business” means what is reflected in K.S.A. 2010 Supp. 74-99683, and amendments thereto;

(c) “Cash investment” means money or money equivalent in consideration for qualified securities;
(d) "KTEC" means the Kansas technology enterprise corporation, a public instrumentality created pursuant to K.S.A. 74-8101, and amendments thereto; "department" means the department of commerce;

(e) "Kansas business" means any business owned by an individual, any partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Kansas or does substantially all of such businesses' production in Kansas;

(f) "owner" means any natural person who is, directly or indirectly, a partner, stockholder or member in a permitted entity investor;

(g) "permitted entity investor" means (A) any general partnership, limited partnership, corporation that has in effect a valid election to be taxed as an S corporation under the United States internal revenue code, or a limited liability company that has elected to be taxed as a partnership under the United States internal revenue code and (B) that was established and is operated for the sole purpose of making investments in other entities;

(h) "qualified Kansas business" means the Kansas businesses that are approved and certified as qualified Kansas businesses as provided in K.S.A. 2010 Supp. 74-8134, and amendments thereto; and

(i) "qualified securities" means a cash investment through any one or more forms of financial assistance as provided in this subsection that have been approved in form and substance by KTEC the secretary. Such forms of financial assistance are: (1) Any form of equity, such as: (A) A general or limited, partnership interest; (B) common stock; (C) preferred stock, with or without voting rights, whether or not convertible into common stock; or (D) any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(2) a debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument’s term; and

(j) "secretary" means the secretary of commerce.

Sec. 28. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8133 is hereby amended to read as follows: 74-8133. (a) A credit against the tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated on the Kansas taxable income of an angel investor and against the tax imposed by K.S.A. 40-252, and amendments thereto, shall be allowed for a cash investment in the qualified securities of a qualified Kansas business. The credit shall be in a total amount equal to 50% of such investors' cash investment in any qualified Kansas business, subject to the limitations set forth in subsection (b). This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit
shall be allowed in a year prior to January 1, 2005. If the amount by which that portion of the credit allowed by this section exceeds the investors’ liability in any one taxable year, beginning in the year 2005, the remaining portion of the credit may be carried forward until the total amount of the credit is used. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their ownership share of the permitted entity investor.

(b) The secretary of revenue shall not allow tax credits of more than $50,000 for a single Kansas business or a total of $250,000 in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this act shall be allowed for any cash investments in qualified securities for any year after the year 2016. The total amount of tax credits which may be allowed under this section shall not exceed $4,000,000 during the tax year 2007 and $6,000,000 for tax year 2008 and each tax year thereafter, except that for tax year 2011, the total amount of tax credits which may be allowed under this section shall not exceed $5,000,000. The balance of unissued tax credits may be carried over for issuance in future years until 2016.

(c) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the internal revenue code.

(d) No investor shall claim a credit under this section for cash investments in Kansas venture capital, inc. No Kansas venture capital company shall qualify for the tax credit for an investment in a fund created by articles 81, 82, 83 or 84 of chapter 74 of the Kansas Statutes Annotated.

(e) Any investor who has not owed any Kansas income tax under the provisions of article 32, chapter 79 of the Kansas Statutes Annotated for the immediate past three taxable years, who does not reasonably believe that it will owe any such tax for the current taxable year and who makes a cash investment in a qualified security of a qualified Kansas business shall be deemed to acquire an interest in the nature of a transferable credit limited to an amount equal to 50% of this cash investment. This interest may be transferred to any natural person of net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act whether or not such person is then an investor and be claimed by the transferee as a credit against the transferee’s Kansas income tax liability beginning in the year provided in subsection (a). No person shall be entitled to a refund for the interest created under this section. Only the full credit for any one investment may be transferred and this interest may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this section. Documentation of any credit acquired by transfer shall be provided by the investor in the manner required by the director of taxation.

(f) The reasonable costs of the administration of this act, the review of
applications for certification as qualified Kansas businesses and the issuance of tax credits authorized by this act shall be reimbursed through fees paid by the qualified Kansas businesses and the investors or the transferees of investors, according to a reasonable fee schedule adopted by the corporation secretary by rules and regulations in accordance with the rules and regulations filing act.

Sec. 29. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8134 is hereby amended to read as follows: 74-8134. (a) Before an angel investor may be entitled to receive tax credits, as authorized by this act, such investor must have made a cash investment in a qualified security of a qualified Kansas business. This business must have been approved by KTEC as a qualified Kansas business prior to the date on which the cash investment was made. To be designated as a qualified Kansas business, a business must make application to KTEC in accordance with the provisions of this section.

(b) Such application to KTEC shall be in form and substance as required by KTEC, but shall include at least the following:
   (1) The name of the business and certified copies of the organizational documents of the business;
   (2) a business plan, including a description of the business and the management, product, market and financial plan of business;
   (3) a statement of the business innovative and proprietary technology, product or service;
   (4) a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created;
   (5) a description of the qualified securities to be issued, the consideration to be paid for the qualified securities, the amount of any tax credits requested and the earliest year in which the tax credits may be redeemed;
   (6) a statement of the amount, timing and projected use of the proceeds to be raised from the proposed sale of qualified securities; and
   (7) such other information as KTEC may request, such as the names, addresses and taxpayer identification numbers of all investors who may qualify for the tax credit. Such list of investors who may qualify for the tax credits shall be amended as new qualified securities are sold or as any information on the list shall change.

(c) No business shall be designated as a qualified Kansas business unless such business meets all of the following criteria:
   (1) The business must not have had annual gross revenues of more than $5,000,000 in the most recent tax year of the business;
   (2) businesses that are not bioscience businesses must have been in operation for less than five years; bioscience businesses must have been in operation for less than 10 years;
   (3) all else equal, first consideration will be given to animal health companies;
(4) the business must not have ownership interests including, but not limited to, common or preferred shares of stock that can be traded by the public via a stock exchange, electronic exchange, bulletin board or other public market place on or before the date that a qualifying investment is made;

(5) the business must not be engaged primarily in any one or more of the following enterprises: (A) Any service provider set forth in K.S.A. 17-2707, and amendments thereto; (B) the business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments; (C) the provision of professional services, such as legal, accounting or engineering services; (D) governmental, charitable, religious or trade organizations; (E) the ownership, development, brokerage, sales or leasing of real estate; (F) insurance; (G) construction or construction management or contracting; (H) business consulting or brokerage; (I) any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss; (J) any Kansas certified capital formation company; (K) any activity that is in violation of the law; and (L) any business raising money primarily to purchase real estate, land or fixtures; and

(6) the business must satisfy all other requirements of this act.

(d) Notwithstanding the requirements of subsection (c), a business may be considered as a qualified Kansas business under the provisions of this act if such business falls within a standard industrial classification code.

(e) The portions of documents and other materials submitted to the secretary that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the president of KTEC. For the purposes of this act, such portions of documents and other materials means any customer lists, any formula, compound, production data or compilation of information certain individuals within a commercial concern using such portions of documents and other material means to fabricate, produce or compound an article of trade, or, any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(f) A qualified Kansas business shall have the burden of proof to demonstrate to the secretary the qualifications of the business under this section and shall have the obligation to notify the secretary in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

Sec. 30. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8135 is hereby amended to read as follows: 74-8135. (a) The designation of a busi-
ness as a qualified Kansas business shall be made by KTEC, and such designation must be renewed annually. A business shall be so designated if KTEC determines, based upon the application submitted by the business and any additional investigation the staff of KTEC shall make, that the following criteria have been or shall be satisfied:

1. The business has a reasonable chance of success;
2. the business has the reasonable potential to create measurable employment within the state;
3. the business has an innovative and proprietary technology, product and service;
4. the existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;
5. the securities to be issued and purchased are qualified securities; and
6. binding commitments have been made by the business to KTEC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the board of directors of KTEC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business and the right of KTEC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets.

(b) In addition to reports by the businesses to KTEC and its board of directors, KTEC, the department, the secretary will also provide an annual report, on or before February 1, to the governor, to the senate committee on commerce, the house committee on economic development and tourism and the joint committee on economic development and any successor committees thereto, on the marketing and use of the angel investor tax credits. This report will include the following: The amount of tax credits used in the previous fiscal year including what percentage was claimed by individuals and what percentage was claimed by investment firms; the types of businesses that benefited from the tax credits; and any aggregate job creation or capital investment in Kansas that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded. In addition, the annual report will provide information regarding what businesses which derived benefit from the tax credits remained in Kansas and what businesses ceased business, what businesses were purchased and what businesses may have moved out-of-state and why.

Sec. 31. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8136 is hereby amended to read as follows: 74-8136. (a) Tax credits for qualified Kansas businesses are a limited resource of the state for which KTEC, the secretary is designated as the administrator. The purpose of such tax credits
is to facilitate the availability of equity investment in businesses in the early stages of commercial development and to assist in the creation and expansion of Kansas businesses which are job and wealth creating enterprises. To achieve this purpose and to optimize the use of the limited resources of the state, KTEC the secretary is authorized to issue tax credits to qualified investors in qualified Kansas businesses. Such tax credits shall be awarded to those qualified Kansas businesses which, as determined by KTEC the secretary, are most likely to provide the greatest economic benefit to the state. KTEC The secretary may issue whole or partial tax credits based on an assessment of the qualified businesses. KTEC The secretary may consider numerous factors in such assessment, including, but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model and the quality and reasonableness of financial projections for the business.

(b) Each qualified Kansas business for which tax credits have been issued pursuant to this act shall report to KTEC the department on an annual basis, the following: (1) The name, address and taxpayer identification number of each angel investor who has made cash investment in the qualified securities of a qualified Kansas business and has received tax credits for this investment during the preceding year and all other preceding years; (2) the amounts of these cash investments by each angel investor and a description of the qualified securities issued in consideration of such cash investments; (3) the name, address and taxpayer identification number of each investor to which tax credits issued pursuant to this act have been transferred by the original angel investor; and (4) any additional information as KTEC the secretary may require pursuant to this act.

(c) KTEC The secretary shall transmit annually to the governor, the secretary of commerce, the standing committee on commerce of the senate, the standing committee on economic development of the house of representatives, the joint committee on economic development, and Kansas, Inc. a report, based upon information received from each qualified Kansas business for which tax credits have been issued during the preceding year, describing the following: (1) The manner in which the purpose, as described in this act, has been carried out; (2) the total cash investments made for the purchase of qualified securities of qualified Kansas businesses during the preceding year and cumulatively since the inception of this act; (3) an estimate of jobs created and jobs preserved by cash investments made in qualified securities of qualified Kansas businesses; and (4) an estimate of the multiplier effect on the Kansas economy of the cash investments made pursuant to this act.

(d) The secretary of commerce shall provide the information specified in subsection (c) to the department of revenue on an annual basis. The secretary of commerce shall conduct an annual review of the activities
undertaken pursuant to this act to ensure that tax credits issued pursuant to this act are issued in compliance with the provisions of this act or rules and regulations promulgated by the department of commerce or KTEC with respect to this act. The reasonable costs of the annual review shall be paid by KTEC according to a reasonable fee schedule adopted by the secretary of commerce.

(e) Any violation of the reporting requirements set forth in this section shall be grounds for undesignation of a qualified Kansas business under this section.

(f) If the secretary of commerce determines that a business is not in substantial compliance with the requirements of this act to maintain its designation, the secretary, by written notice, shall inform the officers of the qualified Kansas business and the business that such business will lose designation as a qualified Kansas business in 120 days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(g) At the end of the 120-day period, if the qualified Kansas business is still not in substantial compliance, the secretary of commerce shall send a notice of loss of designation to the business, KTEC, the secretary of the department of revenue and to all known investors in the business. Loss of designation of a qualified Kansas business shall preclude the issuance of any additional tax credits with respect to this business and KTEC the secretary shall not approve the application of such business as a qualified Kansas business. Upon loss of the designation as a qualified Kansas business or if a business loses its designation as a qualified Kansas business under this act by moving its operations outside Kansas within 10 years after receiving financial assistance under this act, such business shall repay such financial assistance to KTEC the department, in an amount determined by KTEC the secretary. Each qualified Kansas business that loses such designation shall enter into a repayment agreement with KTEC the secretary specifying the terms of such repayment obligation.

(h) Angel investors in a qualified Kansas business shall be entitled to keep all of the tax credits claimed under this act.

(i) The department of commerce and KTEC may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this act. The secretary shall adopt rules and regulations in accordance with the rules and regulations filing act necessary to implement the provisions of K.S.A. 2010 Supp. 74-8131 through 74-8136, and amendments thereto.

Sec. 32. From and after July 1, 2011, K.S.A. 74-8316 is hereby amended to read as follows: 74-8316. (a) The Kansas technology enterprise corporation secretary is hereby authorized to facilitate the establishment of a technology-based venture-capital fund in which the corporation department may invest only moneys from the economic development initiatives
fund specifically so allocated. The corporation may also credit the fund with gifts, donations or grants received from any source other than state government and with proceeds from the fund. Investments in the fund shall qualify for the income tax credit allowed pursuant to K.S.A. 74-8304, and amendments thereto.

(b) The technology-based venture-capital fund may invest the assets as follows:

(1) To carry out the purposes of this act through investments in qualified securities and through the forms of financial assistance authorized by this act, including:

(A) Loans, loans convertible to equity, and equity;
(B) leaseholds;
(C) management or consultant service agreements;
(D) loans with warrants attached that are beneficially owned by the fund;
(E) loans with warrants attached that are beneficially owned by a party other than the fund; and
(F) the fund, in connection with the provision of any form of financial assistance, may enter into royalty agreements with an enterprise.

(2) To invest in such other investments as are lawful for Kansas fiduciaries pursuant to K.S.A. 2002 Supp. 58-24a02 and amendments thereto.

(c) Distributions received by the corporation may be reinvested in any fund consistent with the purposes of this act.

(d) The corporation secretary may invest only in a fund whose investment guidelines permit the fund’s purchase of qualified securities issued by an enterprise as a part of a resource and technology project subject to the following:

(1) Receipt of an application from the enterprise which contains:
(A) A business plan including a description of the enterprise and its management, product and market;
(B) a statement of the amount, timing and projected use of the capital required;
(C) a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created; and
(D) such other information as the fund manager or the fund’s board of directors shall request.

(2) Approval of the investment by the fund may be made after the fund manager or the fund’s board of directors finds, based upon the application submitted by the enterprise and such additional investigation as the fund manager or the fund’s board of directors shall make and incorporate in its minutes, that:

(A) The proceeds of the investment will be used only to cover the venture-capital needs of the enterprise except as authorized by this section;
(B) the enterprise has a reasonable possibility of success;
(C) the fund’s participation is instrumental to the success of the enter-
prise because funding otherwise available for the enterprise is not available on commercially feasible terms;

(D) the enterprise has the reasonable potential to create a substantial amount of employment within the state;

(E) the entrepreneur and other founders of the enterprise have already made or are contractually committed to make a substantial financial and time commitment to the enterprise;

(F) the securities to be purchased are qualified securities;

(G) there is a reasonable possibility that the fund will recoup at least its initial investment; and

(H) binding commitments have been made to the fund by the enterprise for adequate reporting of financial data to the fund, which shall include a requirement for an annual report, or if required by the fund manager, an annual audit of the financial and operational records of the enterprise, and for such control on the part of the fund as the fund manager shall consider prudent over the management of the enterprise, so as to protect the investment of the fund, including in the discretion of the fund manager and without limitation, the right of access to financial and other records of the enterprise.

(e) All investments made pursuant to this section shall be evaluated by the fund’s investment committee and the fund shall be audited annually by an independent auditing firm.

(f) The fund shall not make investments in qualified securities issued by enterprises in excess of the amount necessary to own more than 49% of the qualified securities in any one enterprise at the time of the purchase by the fund, after giving effect to the conversion of all outstanding convertible qualified securities of the enterprise, except that in the event of severe financial difficulty of the enterprise, threatening, in the judgment of the fund manager, the investment of the fund therein, a greater percentage of such securities may be owned by the fund.

(g) At least 75% of the total investment of the fund must be in Kansas businesses.

Sec. 33. From and after July 1, 2011, K.S.A. 74-8317 is hereby amended to read as follows: 74-8317. The corporation secretary shall transmit annually to the governor, the standing committee on commerce of the senate, the standing committee on economic development of the house of representatives, the joint committee on economic development and Kansas, Inc.:

(a) The annual statement of the fund; and

(b) a report, based upon information received by the fund manager, which specifies the following:

(1) The manner in which the purpose as described in this act has been carried out by the fund.
(2) The total investments made annually by the fund in Kansas businesses.

(3) An estimate of jobs created and jobs preserved by investments by the fund in Kansas businesses.

(4) An estimate of the multiplier effect on the Kansas economy of investments by the fund in Kansas businesses.

(5) An analysis of the targeting of scarce resources by the fund by size, sector and location to enterprises of particular need and opportunity.

Sec. 34. From and after July 1, 2011, K.S.A. 74-8318 is hereby amended to read as follows: 74-8318. No enterprise shall be eligible to receive investment pursuant to this act if an officer, employee or member of the board of directors of the corporation, the fund or any other entity in which the corporation has a majority interest has a substantial interest in the corporation. No enterprise shall be eligible to receive investment pursuant to this act if the secretary or any employee of the department, or any officer, employee or member of the board of directors of either the fund or any other entity which has a substantial interest in the enterprise. For the purposes of this section, the term "substantial interest" shall have the meaning ascribed to it in K.S.A. 46-229, and amendments thereto.

Sec. 35. From and after July 1, 2011, K.S.A. 74-8319 is hereby amended to read as follows: 74-8319. For purposes of this act:

(a) "Corporation" means the Kansas technology enterprise corporation;

(b) "Department" means the department of commerce;

(c) "Fund" means any venture-capital fund whether organized as a corporation, partnership, limited partnership, limited liability company or other business entity, as well as any separately organized entity, which manages any such fund;

(d) "Fund manager" means any person or persons, approved by the corporation secretary, legally responsible for the investment and management of a fund's assets pursuant to statute or contract; and

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

Sec. 36. From and after July 1, 2011, K.S.A. 74-8401 is hereby amended to read as follows: 74-8401. (a) There shall be allowed as a credit against the tax imposed by the Kansas income tax act on the Kansas taxable income of a taxpayer and against the tax imposed by K.S.A. 40-252, and amendments thereto, on insurance companies for cash investment in a certified local seed capital pool an amount equal to 25% of such taxpayer's cash investment in any such pool in the taxable year in which such investment is made and the taxable years following such taxable year until the total amount of the credit is used. The amount by which that portion of the credit allowed by this section exceeds the taxpayer's liability in any one taxable year may be carried forward until the total amount of the credit is used. If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code or a partnership, the credit
provided by this section shall be claimed by the shareholders of such corporation or the partners of such partnership in the same manner as such shareholders or partners account for their proportionate shares of the income or loss of the corporation or partnership.

(b) The total amount of credits allowable pursuant to this section and credits allowable pursuant to K.S.A. 74-8205, 74-8206 and 74-8304, and amendments thereto, shall be attributable to not more than $50,000,000 of cash investments in Kansas venture capital companies, Kansas Venture Capital, Inc. and local seed capital pools. With respect to the additional amount of cash investments made eligible for tax credits by this act, $10,000,000 of such amount shall be dedicated and reserved until December 31, 1990, for cash investments in a seed capital fund or funds in which the Kansas technology enterprise corporation or its subsidiaries, department of commerce is an investor. The $50,000,000 amount of cash investments now eligible for the tax credits allowed pursuant to this section and K.S.A. 74-8205, 74-8206 and 74-8304, and amendments thereto, shall be reduced to the extent that the total amount of cash investments received by such seed capital fund or funds before January 1, 1991, is less than $10,000,000. However, any such credits which were not claimed for investments made prior to January 1, 1991, may be allowed to a taxpayer for cash investment made in Kansas Venture Capital, Inc. pursuant to K.S.A. 74-8205 and 74-8206, and amendments thereto, not to exceed $2,595,236 of the $10,000,000 reserved under this subsection for investment in seed capital funds in which the Kansas technology enterprise corporation or its subsidiaries, department of commerce was an investor. A taxpayer may also be allowed a credit for cash investment made pursuant to K.S.A. 74-8304, and amendments thereto not to exceed $6,012,345 of the $10,000,000 reserved under this subsection if such taxpayer first purchases the entire interest of the Kansas technology enterprise corporation or its subsidiaries, department of commerce in Kansas venture capital companies established prior to January 1, 1991. However, no credit shall be allowed for cash investment which results in the purchase of the interest of the Kansas technology enterprise corporation or its subsidiaries in Kansas venture capital companies established prior to January 1, 1991.

(c) As used in this section, (1) “local seed capital pool” means money invested in a fund established to provide funding for use by small businesses for any one or more of the following purposes: (A) Development of a prototype product or process; (B) a marketing study to determine the feasibility of a new product or process; or (C) a business plan for the development and production of a new product or process; and

(2) “Kansas business” means any small business owned by an individual, any partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Kansas or does substantially all of its production in Kansas.
(d) No credit from income tax liability shall be allowed for cash investment in a local seed capital pool unless: (1) The amount of private cash investment therein is $200,000 or more; (2) the moneys necessary to administer and operate the pool are funded from sources other than the private and public cash investments; and (3) funds invested by the local seed capital pool shall be invested at 100% in Kansas businesses.

(e) Public funds may be invested in a local seed capital pool except that each dollar of public funds, other than that which may be used to administer and operate a pool, shall be matched by not less than $2 of private cash investment. Public funds shall have a senior position to any private cash investment and may receive a lower rate of return than that allowable for a private cash investment.

(f) The provisions of this section, and amendments thereto, shall be applicable to all taxable years commencing after December 31, 1986.

Sec. 37. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99b03 is hereby amended to read as follows: 74-99b03. As used in the bioscience authority act, and amendments thereto, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the content:

(a) ‘‘Authority’’ means the Kansas bioscience authority created by this act.

(b) ‘‘Authority employee’’ means an employee of the authority who performs services for the authority and whose salary is paid in whole or in part by the authority. An authority employee will not be considered to be a state employee, as such term is defined in this act or in any other statute or regulation.

(c) ‘‘Bioscience’’ means the use of compositions, methods and organisms in cellular and molecular research, development and manufacturing processes for such diverse areas as pharmaceuticals, medical therapeutics, medical diagnostics, medical devices, medical instruments, biochemistry, microbiology, veterinary medicine, plant biology, agriculture and industrial, environmental, and homeland security applications of bioscience, and future developments in the biosciences. Bioscience includes biotechnology and life sciences.

(d) ‘‘Bioscience company’’ means a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, person, group, or other entity that is engaged in the business of bioscience in the state and has business operations in the state, including, without limitation, research, development, or production directed towards developing or providing bioscience products or processes for specific commercial or public purposes and are identified by the following NAICS codes: 325411, 325412, 325413, 325414, 325193, 325199, 325311, 32532,
(e) ‘‘Bioscience development project’’ means an approved project to implement a project plan in a bioscience development district.

(f) ‘‘Bioscience research’’ means any investigation for the advancement of scientific or technological knowledge of bioscience and any activity that seeks to utilize, synthesize, or apply existing knowledge, information or resources to the resolution of a specific problem, question or issue of bioscience.

(g) ‘‘Bioscience research institutions’’ means all universities and colleges located in the state of Kansas conducting bioscience research.

(h) ‘‘Biotechnology’’ means those fields focusing on technological developments in such areas as molecular biology, genetic engineering, genomics, proteomics, physiosciences, nanotechnology, biodefense, biocomputing and bioinformatics.

(i) ‘‘Board’’ means the board of directors of the authority created by this act.

(j) ‘‘Bonds’’ has the same meaning as in K.S.A. 74-8902, and amendments thereto.

(k) ‘‘Bioscience development and investment fund’’ means the fund created by K.S.A. 2010 Supp. 74-99b34, and amendments thereto.

(l) ‘‘Eminent scholar’’ means world-class, distinguished and established investigators recognized nationally for their research, achievements and ability to garner significant federal funding on an annual basis. Eminent scholars are recognized for their scientific knowledge and entrepreneurial spirit to enhance the innovative research that leads to economic gains. Eminent scholars are either members of or likely candidates for the national academy of sciences or other prominent national academic science organizations.

(m) ‘‘Kansas technology enterprise corporation’’ or ‘‘KTEC’’ means the Kansas technology enterprise corporation created under K.S.A. 74-8101, and amendments thereto.

(n) (m) ‘‘Life sciences’’ means the areas of medical sciences, pharmaceutical sciences, biological sciences, zoology, botany, horticulture, ecology, toxicology, organic chemistry, physical chemistry, physiology and any future advances associated with life sciences.

(o) (n) ‘‘NAICS’’ means the north American industry classification system.

(p) (o) ‘‘NISTAC’’ means the national institute for strategic technology acquisition and commercialization.

(q) (p) ‘‘President’’ means the chief executive officer of the authority.

(r) (q) ‘‘Principal operation’’ means the operation of the authority requiring at least 75% of the total number of employees at all times.

(s) (r) ‘‘Qualified company’’ means a Kansas company conducting bioscience research and development that may be granted a funding voucher.
(s) "Rising star scholar" means up-and-coming distinguished investigators growing in their national reputations in their fields, who are active and demonstrate leadership in their associated professional societies, and who attract significant federal research grant support. Rising star scholars would be likely candidates for the national academy of sciences or other prominent national academic science organizations in the future.

(t) "State" means the state of Kansas.

(u) "State employee" means a person employed by the state of Kansas whether or not a classified or unclassified employee in the state personnel system. Authority employees shall not be considered state employees, as such term is defined in this act or in any other statute or rule and regulation.

(v) "State universities" includes state educational institutions as defined in K.S.A. 76-711, and amendments thereto, and the municipal university as defined in K.S.A. 74-3201b, and amendments thereto.

(w) "Taxpayer" means a person, corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, group or other entity that is subject to the Kansas income tax act K.S.A. 79-3201 et seq., and amendments thereto.

(x) "Technology transfer" means, without limitation, assisting with filing patent applications, executing licenses, paying maintenance fees and managing the finance, production, sales and marketing of bioscience intellectual property.

(y) "This act" means the bioscience authority act.

(z) Notwithstanding any other provision of this act, the terms "bioscience," "biotechnology" and "life sciences" shall not be construed to include:

1. Induced abortion in humans, performed after the date of enactment of this act, or the use of cells or tissues derived therefrom; or
2. any research the federal funding of which would be contrary to federal laws that are in effect on the date of enactment of this act.

Sec. 38. K.S.A. 2010 Supp. 74-99b04 is hereby amended to read as follows: 74-99b04. (a) There is hereby established a body politic and corporate, with corporate succession, to be known as the Kansas bioscience authority. The authority shall be an independent instrumentality of the state. Its exercise of the rights, powers and privileges conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) In order to accelerate any and all synergy and opportunities for the growth of the authority, the authority shall be headquartered and establish its principal operation in the county in the state with the highest number of bioscience employees associated with bioscience companies as of the effective date of this act. The exact location of the authority’s headquarters
and principal operations in such county shall be at the discretion of the authority’s board.

(c) The authority shall be governed by an eleven-member board. One member of the board shall be an agricultural expert who is recognized for outstanding knowledge and leadership in the field of bioscience. Eight of the members of the board shall be representatives of the general public who are recognized for outstanding knowledge and leadership in the fields of finance, business, bioscience research, plant biotechnology, basic research, health care, legal affairs, bioscience manufacturing or product commercialization, education or government. Of the nine voting members, five must be residents of the state. The other two members of the board shall be nonvoting members with research expertise representing state universities and shall be appointed by the Kansas board of regents. Nonvoting members shall serve at the pleasure of the board of regents.

(d) Of the nine voting members who will be appointed to the authority’s first board, two shall be appointed by the governor for a term of office of four years, two shall be appointed by the speaker of the house of representatives, one of which shall be the agricultural expert as authorized in subsection (c), for a term of office of three years, two shall be appointed by the president of the senate for a term of office of three years, one shall be appointed by the minority leader of the house of representatives for a term of office of two years, one shall be appointed by the minority leader of the senate for a term of office of two years, and one shall be appointed by the Kansas technology enterprise corporation for a term of office of one year. Member shall be the secretary of commerce. Members of the first board shall be appointed by August 1, 2004. No more than three voting members shall be appointed from any one congressional district. All voting members of the board shall be subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Any member of the board whose nomination is subject to confirmation during a regular session of the legislature shall be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member of the board before such termination.

(e) Terms of voting members appointed pursuant to this section shall expire on March 15.

(f) After the expiration of the terms of the authority’s first board, or whenever a vacancy occurs or is announced regarding a voting member or members of the board, such voting member or members shall be appointed as described in subsections (c) and (d), except that such members shall be appointed for terms of four years each. In the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term. Each member of the board shall hold office for the term of appointment and until a successor has been confirmed. Any member of the board is eligible for reappointment, but members of the board shall not be eligible to serve more than three consecutive four-year terms.
Except for appointments of nonvoting members, each appointment shall be forwarded to the senate for confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 2010 Supp. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate. In case of a vacancy when the senate is not in session, the appointing entity may make a temporary appointment to the board until the next meeting of the senate. Any person who is temporarily appointed by the appointing entity to the board shall have all of the powers, duties and functions as a member of the board during such temporary appointment.

The board annually shall elect a voting member as chairperson and at least one other as vice-chairperson. The board also shall elect a secretary and treasurer for terms to be determined by the board. The board may elect the same person to serve as both secretary and treasurer. The board shall establish an executive committee, nominating committee and other standing or special committees, and prescribe their duties and powers. Any executive committee of the board may exercise all such powers and duties of the board as the board may delegate.

Members of the board are entitled to compensation and expenses as provided in K.S.A. 75-3223, and amendments thereto. Members of the board attending board meetings or subcommittee meetings authorized by the board, shall be paid mileage and all other applicable expenses, provided such expenses are consistent with policies established from time-to-time by the board and as required by subsection (j).

No part of the funds of the authority shall inure to the benefit of, or be distributed to, its employees, officers or members of the board, except that the authority may make reasonable payments for expenses incurred on its behalf relating to any of its lawful purposes and the authority shall be authorized and empowered to pay reasonable compensation for services rendered to or for its benefit relating to any of its lawful purposes, including to pay its employees reasonable compensation.

Any member of the board other than a nonvoting member may be removed by an affirmative vote by six members of the board for malfeasance or misfeasance in office, regularly failing to attend meetings, or for any cause which renders the member incapable of or unfit to discharge the duties of director.

The board shall meet at least four times per year and at such other times as it deems appropriate, or upon call by the president or the chairperson, or upon written request of a majority of the directors of the board. The board may adopt, repeal and amend such rules, procedures and bylaws, not contrary to law or inconsistent with this act, as it deems expedient for its own governance and for the governance and management of the authority. A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum is present, except upon such issues as the
The board may determine shall require a vote of six members of the board for approval. The board shall meet for the initial meeting upon call by the member of the board appointed by the Kansas technology enterprise corporation secretary of commerce, who shall act as temporary chairperson until officers of the board are elected pursuant to subsection (h).

(m) The board shall appoint a president who shall serve at the pleasure of the board. The president shall serve as the chief executive officer of the authority. The president’s salary shall be set by the board. The board may negotiate and enter into an employment agreement with the individual selected as president of the authority, which may provide for compensation allowances, benefits and expenses as may be included in such agreement. The president shall direct and supervise administrative affairs and the general management of the authority.

(n) The board may provide supplemental benefits to the president and other authority employees designated by the board in addition to the benefits provided under this act.

(o) The authority shall continue until terminated by law, except that no such law shall take effect so long as the authority has debts or obligations outstanding, unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds and assets thereof shall be vested in the state, bioscience research institutions or both as designated by the board, or any other public institute or private enterprise engaged in the business of bioscience, or any combination thereof, as designated by the board and approved by act of the legislature.

Sec. 39. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99b09 is hereby amended to read as follows: 74-99b09. (a) The authority shall have all of the powers necessary to carry out the purposes and provisions of this act, including, without limitation, the following powers to:

(1) Make, amend and repeal bylaws, rules and regulations for the management of its affairs;
(2) have the duties, privileges, immunities, rights, liabilities and disabilities of a body politic and corporate and independent instrumentality of the state;
(3) have perpetual existence and succession;
(4) adopt, have and use a seal and to alter the same at its pleasure;
(5) sue and be sued in its own name;
(6) work with bioscience research institutions to identify and recruit eminent scholars and rising star scholars who shall become employed by bioscience research institutions or the authority, or both, to perform bioscience research, development and commercialization at bioscience research institutions or at authority facilities, or both;
(7) transfer funds to bioscience research institutions in amounts to be
determined by the board for the purpose of attracting and then supplementing the compensation of eminent scholars and rising star scholars;

(8) work with and collaborate with bioscience research institutions to determine the types of bioscience research that will be conducted by eminent scholars and rising star scholars;

(9) work with bioscience research institutions to determine the types of facilities that may be constructed at bioscience research institutions or at authority premises, or elsewhere, for eminent scholars and rising star scholars to perform bioscience research and development;

(10) employ personnel to assist or complement the research of eminent scholars and rising star scholars;

(11) establish policies and procedures to facilitate integrated bioscience research activities by the authority and bioscience research institutions;

(12) make and execute contracts, guarantees or any other instruments and agreements necessary or convenient for the exercise of its powers and functions including, without limitation, to make and execute contracts with bioscience enterprises, including start-up companies, other public and private persons and entities, health care businesses, state universities and colleges, and to incur liabilities and secure the obligations of any entity or individual;

(13) partner with the bioscience research institutions to provide matching funds for federal grants;

(14) borrow money and to pledge all or any part of the authority’s assets therefore;

(15) purchase, lease, trade, exchange or otherwise acquire, maintain, hold, improve, mortgage, sell and dispose of personal property, whether tangible or intangible, and any interest therein; and to purchase, lease, trade, exchange or otherwise acquire real property or any interest therein, and to maintain, hold, improve, mortgage, sell, lease and otherwise transfer such real property to the universities, colleges, public institutions and private enterprises in the state, so long as such transactions do not conflict with the mission of the authority as specified in this act;

(16) own, acquire, construct, renovate, equip, improve, operate, maintain, sell or lease any land, buildings or facilities in the state that can be used in researching, developing, sponsoring or commercializing bioscience in the state including, without limitation, a state-of-the-art facility, laboratory or commercial wet lab space incubator to be used by the authority, and also to be made available for use by bioscience research institutions or Kansas companies conducting bioscience research and development for bioscience research, commercialization and technology transfer of bioscience products, processes and other intellectual property in accordance with the provisions of this act;

(17) incur or assume indebtedness to, and enter into contracts with the Kansas development finance authority, which is authorized to borrow money, issue bonds and provide financing for the authority;
(18) develop policies and procedures generally applicable to the procurement of goods, services and construction, based upon sound business practices;

(19) solicit, study and assist in the preparation of business plans and proposals of new or established businesses to advance the biosciences in the state;

(20) own and possess patents, copyrights, trademarks and proprietary technology and to enter into contracts for the purposes of commercializing and establishing charges for the use of such patents, copyrights, trademarks and proprietary technology involving bioscience;

(21) contract for and to accept any gifts, grants and loans of funds, property or any other aid in any form from the federal government, the state, any state agency or any other source, or any combination thereof, and to comply with the provisions of the terms and conditions thereof;

(22) acquire space, equipment, services, supplies and insurance necessary to carry out the purposes of this act;

(23) deposit any moneys of the authority in any banking institution within or without the state or in any depository authorized to receive such deposits, one or more persons to act as custodians of the moneys of the authority;

(24) procure such insurance, participate in such insurance plans or provide such self-insurance or both as it deems necessary or convenient to carry out the purposes and provisions of this act, the purchase of insurance, participation in an insurance plan or creation of a self-insurance fund by the authority shall not be deemed as a waiver or relinquishment of any sovereign immunity to which the authority or its officers, directors, employees or agents are otherwise entitled;

(25) appoint, supervise and set the salary and compensation of the president, who shall be appointed by and serve at the pleasure of the board;

(26) fix, revise, charge and collect rates, rentals, fees and other charges for the services or facilities furnished by or on behalf of the authority, and to establish policies and procedures regarding any such service rendered for the use, occupancy or operation of any such facility; such charges and policies and procedures not to be subject to supervision or regulation by any commission, board, bureau or agency of the state; and

(27) do any and all things necessary or convenient to carry out the authority’s purposes and exercise the powers given in this act.

(b) The authority may create, own in whole or in part, or otherwise acquire or dispose of any entity organized for a purpose related to or in support of the mission of the authority.

(c) The authority may participate in joint ventures and collaborate with any taxpayer, governmental body or agency, insurer, university and college of the state, or any other entity to facilitate any activities or programs consistent with the purpose and intent of this act.

(d) (1) The authority may create a nonprofit entity or entities for the
purpose of soliciting, accepting and administering grants, outright gifts and
bequests, endowment gifts and bequests, and gifts and bequests in trust,
which entity or entities shall not engage in trust business. The nonprofit
entity created in this subsection may expend such funds through grants or
loans to further the purpose of bioscience authority activities including, but
not limited to, issuing grants to high schools for the purpose of creating
bioscience academies and to Kansas universities and colleges for the pur-
pose of increasing the number of students majoring in bioscience, science
education and math education. The authority may set requirements for cur-
ricula, teaching credentials and any other items and procedures incidental
to establishing the grant programs.

(2) Grants made pursuant to this subsection shall be based on require-
ments established by the nonprofit entity and may include, but not be lim-
ited to, requirements for eligibility, grant applications, organizational char-
acteristics and standards for eligibility and accountability as are deemed
advisable by the nonprofit entity.

(3) The authority may not create any political action committee or con-
tribute to any political action committee.

(e) In carrying out any activities authorized by this act, the authority
may provide appropriate assistance, including the making of loans and pro-
viding time of employees, to any taxpayer, governmental body or agency,
insurer, university and college of the state, or any other entity, whether or
not any such taxpayer, governmental body or agency, insurer, university
and college of the state, or any other entity is owned or controlled in whole
or in part, directly or indirectly, by the authority.

(f) Notwithstanding any provision of law to the contrary, the authority
may, on an independent basis, for itself or from time to time through a
contractual relationship with KTEC, invest the funds received from gifts,
grants, donations and other operations of the authority in such investments
as would be lawful for a private corporation having purposes similar to the
authority including preseed, seed capital and venture capital funds whose
purpose is to commercialize bioscience intellectual property, and in any
obligations or securities as authorized by the board. Prior to making any
investments, the board shall adopt written investment guidelines.

(g) Except as provided in this act, all money earned or received by the
authority, including all funds derived from the commercialization of bio-
science products by the authority, or any affiliate or subsidiary thereof, or
from the Kansas bioscience development and investment fund, shall belong
exclusively to the authority.

(h) In accordance with subsection (i) below, the authority shall direct
and manage the commercialization of bioscience intellectual property cre-
ated by eminent scholars and rising star scholars who are employed by
bioscience research institutions or the authority or both. Prior to the au-
thority providing any financial support or funding to the bioscience research
institutions, the authority and the bioscience research institutions must enter
into an agreement that will govern each party's respective duties and responsibilities with respect to technology transfer and commercialization of any such bioscience intellectual property. Such agreements between the authority and the bioscience research institutions shall address the sharing of revenue from any such bioscience intellectual property, the technology transfer of such bioscience intellectual property, patent application filing and maintenance fees, assumption of risks and the terms of ownership of such bioscience intellectual property. The authority and the bioscience research institutions shall have authority to freely negotiate. If conflicts arise, all terms and provisions of such agreement shall prevail and govern over any policy of a bioscience research institution or the Kansas board of regents.

(i) During the first five years after the effective date of this act, the authority may contract with KTEC, which will be able to subcontract with appropriate third parties as it deems necessary and appropriate, including, without limitation, NISTAC, for the initial commercialization efforts for bioscience intellectual property, including, without limitation, corporate patent donations. The contract between the authority and KTEC must be negotiated between the authority and KTEC and will set forth the rights and responsibilities of each party, including the financial terms, payment of funds for personnel, assumptions of risks, technology transfer and terms of ownership and licensure of such bioscience intellectual property. The contract between the authority and KTEC must also set forth the authority's right, if any, to sell, license, contribute or provide its contractual share of bioscience intellectual property to any third party, or provide services, facilities or assistance to any third party, for a fee, for an ownership interest in the third party, or other consideration, so as to commercialize bioscience technology. After the five-year period from the effective date of this act, the authority may independently commercialize or enter into contracts with third parties for the commercialization of bioscience intellectual property and for technology transfer. The authority will take steps to reasonably ensure that it does not duplicate existing commercialization efforts already located in the state and recognizes the important role KTEC plays in the state. After the five-year period from the effective date of this act, the authority may sell, license, contribute or provide bioscience intellectual property to any third party, or provide services, facilities or assistance to any third party, for a fee, for an ownership interest in the third party, or other consideration, so as to commercialize bioscience technology. The authority may take all such actions necessary to commercialize any technology in which the authority has an interest.

(j) For the five-year period following the effective date of this act, the authority may transfer funds to KTEC for the operation and management of authority owned facilities, including, without limitation, funds for KTEC to employ the personnel necessary to assist the authority, the exact amount of such transfer to be negotiated between the authority and KTEC. After
consulting with and in accordance with recommendations by the board, KTEC may use such funds to identify, recruit and employ personnel who will perform management and other services at such authority-owned facilities.

(k) During the five-year period after the effective date of this act, the authority shall contract with KTEC at least once a year for KTEC to submit a report to the board identifying all patents secured, licenses granted, the number of eminent scholars and rising star scholars in the state, a complete accounting of interests in technology sold, transferred, licensed or otherwise disposed of, including, without limitation, the names of buyers, the buyers’ location, the date the technology was transferred, revenue generated by the transfer of such technology, and any other information that the board deems appropriate. After the five-year period from the effective date of this act, on at least an annual basis, the authority shall conduct, either independently or through a contract with a third party, including KTEC if chosen by the authority, a report of the foregoing information to be submitted to the board.

(l) The authority shall prepare an annual report to the legislature and the governor on all distributions from the bioscience development and investment fund, and income, investment and income tax credits and exemptions attributed to bioscience authority activity. The authority with assistance from the department of revenue shall prepare an annual report summarizing the growth of bioscience research and industry in Kansas.

Sec. 40. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99b63 is hereby amended to read as follows: 74-99b63. As used in the bioscience research and development voucher program act, and amendments thereto, the following words and phrases have the following meanings unless a different meaning clearly appears from the content:

(a) “Authority” means the Kansas bioscience authority as created by K.S.A. 2010 Supp. 74-99b04, and amendments thereto.

(b) “Bioscience” means, without limitation, the use of compositions, methods and organisms in cellular and molecular research, development and manufacturing processes for such diverse areas as pharmaceuticals, medical therapeutics, medical diagnostics, medical devices, medical instruments, biochemistry, microbiology, veterinary medicine, plant biology, agriculture, industrial, environmental and homeland security applications of bioscience and future developments in the biosciences. Bioscience includes biotechnology and life sciences.

(c) “Bioscience research” means any investigation for the advancement of scientific or technological knowledge of bioscience and any activity that seeks to utilize, synthesize, or apply existing knowledge, information
or resources to the resolution of a specific problem, question or issue of bioscience.

(d) “Bioscience research institutions” means all universities and colleges located in the state of Kansas conducting bioscience research.

(e) “Biotechnology” means, without limitation, those fields focusing on technological developments in such areas as molecular biology, genetic engineering, genomics, proteomics, physiomics, nanotechnology, biodefense, bioinformatics and future developments associated with biotechnology.

(f) “KTEC” means the Kansas technology enterprise corporation created by K.S.A. 74-8101 et seq., and amendments thereto.

(g) “Life sciences” means the areas of medical sciences, pharmaceutical sciences, biological sciences, zoology, botany, horticulture, ecology, toxicology, organic chemistry, physical chemistry, physiology and any future advances associated with life sciences.

(h) “Qualified company” means a Kansas company conducting bioscience research and development that may be granted a funding voucher.

(i) “State” means the state of Kansas.

(j) “This act” means the bioscience research and development voucher program act.

Sec. 41. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99b66 is hereby amended to read as follows: 74-99b66. (a) On terms mutually acceptable to the authority and KTEC the authority may contract with KTEC, to the authority shall review applications and to certify whether an applicant is a qualified company.

(b) On terms mutually acceptable to the authority and KTEC, the authority may contract with KTEC to develop application criteria and an application process subject to the following limitations. The proposed bioscience research and development project must be likely to:

1. Produce a measurable result and be technically sound;
2. lead to innovative technology or new knowledge;
3. lead to commercially successful products, processes or services;
4. stimulate economic growth; or
5. enhance employment opportunities within the state.

(c) As part of the application process, the applicant shall provide the following information to the authority:

1. Verification that the applicant is a Kansas company conducting bioscience research and development;
2. a technical research plan that is sufficient for outside expert review;
3. a detailed financial analysis that includes the commitment of resources by the applicant and others;
4. sufficient detail concerning proposed project partners, type and amount of work to be performed by each partner and expected product or
service with estimated costs to be reflected in the negotiated contract or agreement; and

(5) a statement of the economic development potential of the project.

(d) Before providing the qualified company with a certificate authorizing voucher funding from the authority through KTEC, the authority may negotiate with the qualified company the ownership of patents, copyrights, trademarks, proprietary technology and any other intellectual property rights, royalties and equity relating to the bioscience research and development project on behalf of the research and development voucher fund for the purpose of reinvesting and sustaining a continuous fund to carry out the provisions of this act.

Sec. 42. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99c03 is hereby amended to read as follows: 74-99c03. (a) There is hereby created a body politic and corporate to be known as the Kansas center for entrepreneurship. The secretary of commerce, after consulting with the board of directors, shall enter into a contractual agreement for the operation of the center. The center’s exercise of all the rights, powers and privileges conferred by this act and shall be deemed and held to be the performance of an essential government function.

(b) The center shall be governed by a board of 10 directors. The board of directors shall be appointed by the secretary of commerce and shall be comprised of individuals who have demonstrated entrepreneurial success, including one member from each of the following organizations:

(1) Three at-large entrepreneurs,
(2) an agricultural entrepreneur knowledgeable in biosciences,
(3) banking industry,
(4) travel/tourism industry,
(5) enterprise facilitation,
(6) Kansas chamber of commerce and industry,
(7) Kansas small business development centers, and
(8) Kansas technology enterprise corporation and
(9) national federation of independent businesses.

(c) (1) Members shall serve for a term of four years and until such members’ successors are appointed, except that, of the members first appointed, three shall serve for a term of two years, three shall serve for a term of three years and two shall serve for a term of four years.

(2) In case of a vacancy by a member, a successor shall be appointed in like manner and subject to the same qualifications and conditions as the original appointment of the member creating the vacancy and shall serve the remainder of the unexpired portion of the term.

(d) The secretary of commerce shall organize and schedule the first meeting of the board, at which time the board shall choose a chairperson and may appoint committees from its members as necessary.

(e) The board of directors shall meet at least four times a year and at
such other times as it deems appropriate or upon call of the chairperson or upon the written request of a majority of the members of the board.

(f) Members of the board of directors attending board meetings or committee meetings thereof authorized by the center, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(g) Members of the board of directors, in their dealings with enterprises that may receive financing through the corporation, shall declare any potential conflict of interest and abstain from voting prior to taking any actions relating to that transaction.

(h) The board of directors shall hold all board meetings within the state of Kansas.

(i) Members of the board of directors may serve multiple terms.

(j) A member appointed to the board of directors may be removed by the secretary for cause, stated in writing, after a hearing thereon.

(k) A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum of the board is present.

(l) Before assuming office, each person appointed as a member of the board of directors shall complete and file with the office of the secretary of state a statement containing the information required in a statement of substantial interest pursuant to K.S.A. 46-247, and amendments thereto.

(m) The board of directors shall:

(1) Consult with and make a recommendation to the secretary concerning the awarding of the contract for the Kansas center for entrepreneurship;

(2) make recommendations to the Kansas center for entrepreneurship regarding its policies and procedures;

(3) review and evaluate the Kansas center for entrepreneurs’ annual report in light of this act’s purpose, policy and procedures and current economic conditions, and, report its conclusions and recommendations to the secretary and the center;

(4) advise the secretary regarding any matter of impropriety involving the Kansas center for entrepreneurship of which it becomes aware; and

(5) carry out any other advisory or oversight function the secretary deems necessary to fulfill and further the purpose and intent of this act.

Sec. 43. From and after July 1, 2011, K.S.A. 2010 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;

(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers,
and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer’s employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), “health care employees” means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of
investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711, and amendments thereto;

(k) all employees of courts;

(l) client, patient and inmate help in any state facility or institution;

(m) all attorneys for boards, commissions and departments;

(n) the secretary and assistant secretary of the Kansas state historical society;

(o) physician specialists, dentists, dental hygienists, pharmacists, medical technologists and long term care workers employed by the department of social and rehabilitation services;

(p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging, the secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation, the secretary of wildlife and parks and the commissioner of juvenile justice;

(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;

(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the department of social and rehabilitation services, the department of transportation, the Kansas department of wildlife and parks and the commissioner of juvenile justice;

(x) civil service examination monitors;

(y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;

(z) specifically designated by law as being in the unclassified service;
(aa) all officers and employees of Kansas, Inc. and the Kansas technology enterprise corporation;

(bb) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency; and

(cc) positions at state institutions of higher education that have been converted to unclassified positions pursuant to K.S.A. 2010 Supp. 76-715a, and amendments thereto.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.

Sec. 44. From and after July 1, 2011, K.S.A. 75-2935b is hereby amended to read as follows: 75-2935b. Salaries and other compensation of all persons who are within the unclassified service of the Kansas civil service act, and which salaries and other compensation are not fixed by statute, shall be subject to the approval of the governor and such salaries or other compensation shall not be paid until approved by the governor. The provisions of this section shall not apply to the salaries and other compensation of any officer or employee when such salary or other compensation is specifically prescribed by law, nor to officers and employees of elected state
officials, officers and employees under the jurisdiction of the state board of regents, the executive secretary and other employees of the Kansas public employees retirement system that are in the unclassified service as specified under K.S.A. 74-4908, and amendments thereto, officers and employees of Kansas, Inc. and the Kansas technology enterprise corporation, officers and employees under the jurisdiction of the supreme court, legislative officers and employees or officers and employees of any agency performing functions and duties primarily for the legislative branch.

Sec. 45. From and after July 1, 2011, K.S.A. 75-3208 is hereby amended to read as follows: 75-3208. (a) Except as provided in subsection (e) or (f) or as otherwise authorized or provided by statute, no claim for expenses for any trip made beyond the borders of the state by any appointive state officer or employee shall be paid by the state unless the trip has been approved as provided by this section.

(b) Except as otherwise prescribed by a majority of the justices of the supreme court, authority to grant written approval for any such trip by an officer or employee of the judicial branch, or any agency thereof, is vested in the judicial administrator or the judicial administrator’s designee.

(c) Except as otherwise authorized or provided by statute, authority to grant approval for any such trip by a legislator or an officer or employee of an agency of the legislative branch is vested with the legislative coordinating council or an individual authorized by the legislative coordinating council to grant written approval in the case of any such trip by an officer or employee of an agency of the legislative branch.

(d) Except as otherwise prescribed by the officer, board or commission that appointed an agency head, authority to grant written approval for any such trip by an officer or employee of the executive branch is vested in such officer’s or employee’s agency head or the agency head’s designee.

(e) In cases involving such a trip by an agency head or by appointive members of a board, commission or similar body that appoints an agency head, no approval shall be required unless the appointing authority of the agency head or the members of the board, commission or similar body, as the case may be, requires such approval by the appointing authority.

(f) Such approval shall not be required for the payment of any claim for expenses 50% or more of which are paid from moneys received from the Kansas technology enterprise corporation, federal agencies or other external sources.

(g) As used in this section, “agency head” means the chief administrative officer of a state agency or state institution.

Sec. 46. From and after July 1, 2011, K.S.A. 76-770 is hereby amended to read as follows: 76-770. (a) Each contract entered into by a state educational institution for the acquisition of goods or services for a research and development activity shall be exempt from the provisions of K.S.A. 75-3739 through 75-3744, and amendments thereto if the contract is fi-
nanced 50% or more by moneys received from the Kansas technology enterprise corporation, federal agencies or other external sources.

(b) Nothing contained in article 32 of chapter 75 of the Kansas Statutes Annotated shall be construed to limit or prescribe the conduct of any in-state or out-of-state travel or to limit expense allowances for such travel which is undertaken for and funded as a part of any research and development activity of a state educational institution if such expense is funded 50% or more by moneys received from the Kansas technology enterprise corporation, federal agencies or other external sources. The provisions of K.S.A. 75-3208, and amendments thereto shall not apply to any such travel.

(c) As used in this section:
(1) "Research and development activity" means any center of excellence at a state educational institution, any research or development project or activity at the state educational institution funded under a research matching grant program of the Kansas technology enterprise corporation department of commerce, or any other sponsored research project at a state educational institution; and
(2) "state educational institution" means a state educational institution as defined by K.S.A. 76-711, and amendments thereto.


Sec. 48. K.S.A. 2010 Supp 74-99b04 is hereby repealed.

Sec. 49. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 25, 2011.

Published in the Kansas Register June 2, 2011.
CHAPTER 105

HOUSE SUBSTITUTE FOR SENATE BILL No. 6

(Amends Chapter 30)

An act concerning driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure; creating the community corrections supervision fund; amending K.S.A. 8-285, 8-1008, 8-1009, 8-1017, 12-4416, 22-4704 and 22-4705 and K.S.A. 2010 Supp. 8-235, 8-262, as amended by section 88 of 2011 House Bill No. 2339, 8-2,142, 8-2,144, 8-1001, 8-1012, 8-1013, 8-1014, 8-1015, 8-1020, 8-1022, 8-1567, 12-4106, 12-4144, 12-4415, 12-4516, 12-4517, 22-2909, 28-176, 60-427, 74-2012, 74-7301 and 75-5291 and section 14 of chapter 136 of the 2010 Session Laws of Kansas and section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339; also repealing K.S.A. 8-285, as amended by section 89 of 2011 House Bill No. 2339 and K.S.A. 2009 Supp. 8-1567, as amended by section 95 of 2011 House Bill No. 2339 and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-2,144, as amended by section 91 of 2011 House Bill No. 2339, 8-1013, as amended by section 92 of 2011 House Bill No. 2339, 8-1020a, 12-4516, as amended by section 102 of 2011 House Bill No. 2339, 12-4517, as amended by section 103 of 2011 House Bill No. 2339, 74-7301, as amended by section 255 of 2011 House Bill No. 2339 and 75-5291, as amended by section 280 of 2011 House Bill No. 2339.

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

New Section 1. (a) Notwithstanding any other provision of law, no professional licensing body shall suspend, deny, terminate or fail to renew the professional license of a licensee solely because such licensee has:

(1) Been convicted of a first violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or any law of another state, which ordinance, resolution or law prohibits the acts prohibited by that statute; or

(2) entered into a diversion agreement in lieu of further criminal proceedings, or pleaded guilty or nolo contendere, on a complaint, indictment, information, citation or notice to appear alleging a first violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or any law of another state, which ordinance or law prohibits the acts prohibited by that statute.

(b) The licensing body may, after providing the licensee notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, determine how the violation described in subsection (a) will affect the licensee’s professional license and may take any action authorized by law, including, but not limited to, alternative corrective measures in lieu of suspension, denial, termination or failure to renew the professional license of the licensee.

(c) Nothing in this section shall be construed to limit the authority of the division of vehicles of the department of revenue to restrict, revoke, suspend or deny a driver’s license or commercial driver’s license.

(d) As used in this section:
(1) “Licensee” means an individual who is or may be authorized to practice a profession in this state; and
(2) “Professional licensing body” means an official, agency, board or other entity of the state which authorizes individuals to practice a profession in this state and issues a license, certificate, permit or other authorization to an individual so authorized.

New Sec. 2. On or before July 1, 2012, the director of the Kansas bureau of investigation shall adopt rules and regulations establishing: (a) Criteria for preliminary screening devices for testing of saliva for law enforcement purposes, based on health and performance considerations; and (b) a list of preliminary screening devices which are approved for testing of saliva for law enforcement purposes and which law enforcement agencies may purchase and train officers to use as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto.

New Sec. 3. There is hereby created in the state treasury the community corrections supervision fund. All moneys credited to the community corrections supervision fund shall be used for grants for community correctional services in accordance with K.S.A. 75-52,111, and amendments thereto, to implement the provisions of this act. All expenditures from the community corrections supervision fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or the secretary’s designee.

Sec. 4. K.S.A. 2010 Supp. 8-235 is hereby amended to read as follows: 8-235. (a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver’s license. No person shall receive a driver’s license unless and until such person surrenders or with the approval of the division, lists to the division all valid licenses in such person’s possession issued to such person by any other jurisdiction. All surrendered licenses or the information listed on foreign licenses shall be returned by the division to the issuing department, together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid license at any time.

(b) Any person licensed under the motor vehicle drivers’ license act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any local authority. Nothing herein shall prevent cities from requiring licenses of persons who drive taxicabs or municipally franchised transit systems for hire upon city streets, to protect the public from drivers whose character or habits make them unfit to transport the public. If a license is denied, the applicant may appeal such decision to the district court of the county in which such city is located by filing within 14 days after
such denial, a notice of appeal with the clerk of the district court and by filing a copy of such notice with the city clerk of the involved city. The city clerk shall certify a copy of such decision of the city governing body to the clerk of the district court and the matter shall be docketed as any other cause and the applicant shall be granted a trial of such person's character and habits. The matter shall be heard by the court de novo in accordance with the code of civil procedure. The cost of such appeal shall be assessed in such manner as the court may direct.

(c) Any person operating in this state a motor vehicle, except a motorcycle, which is registered in this state other than under a temporary thirty-day permit shall be the holder of a driver’s license which is classified for the operation of such motor vehicle, and any person operating in this state a motorcycle which is registered in this state shall be the holder of a class M driver’s license, except that any person operating in this state a motorcycle which is registered under a temporary thirty-day permit shall be the holder of a driver’s license for any class of motor vehicles.

(d) No person shall drive any motorized bicycle upon a highway of this state unless: (1) Such person has a valid driver’s license which entitles the licensee to drive a motor vehicle in any class or classes; (2) such person is at least 15 years of age and has passed the written and visual examinations required for obtaining a class C driver’s license, in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles; or (3) such person has had their driving privileges suspended, for a violation other than a violation of K.S.A. 8-2,144, 8-1567 or 8-1567a, and amendments thereto, and has made application to the division for the issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles.

(e) Violation of this section shall constitute a class B misdemeanor.

Sec. 5. K.S.A. 2010 Supp. 8-262, as amended by section 88 of 2011 House Bill No. 2339, is hereby amended to read as follows: 8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person’s privilege so to do is canceled, suspended or revoked or while such person’s privilege to obtain a driver’s license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person’s driver’s license.

(3) Except as otherwise provided by subsection (a)(4) or (c), every
person convicted under this section shall be sentenced to at least five days’
imprisonment and fined at least $100 and upon a second conviction shall
not be eligible for parole until completion of five days’ imprisonment.

(4) Except as otherwise provided by subsection (c), if a person: (A) Is
convicted of a violation of this section, committed while the person’s privi-
lege to drive or privilege to obtain a driver’s license was suspended or
revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments
thereto, or any ordinance of any city or resolution of any county or a law
of another state, which ordinance or resolution or law prohibits the acts
prohibited by those statutes; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto,
or of a municipal ordinance or resolution or law of another state, which ordinance or resolution or law prohibits the acts
prohibited by those statutes, committed while the person’s privilege to drive or privilege to obtain a driver’s license was so suspended or revoked, the person shall not be eligible for suspension of sentence, proba-
tion or parole until the person has served at least 90 days’ imprisonment,
and any fine imposed on such person shall be in addition to such a term of
imprisonment.

(b) The division, upon receiving a record of the conviction of any per-
son under this section, or any ordinance of any city or resolution of any
county or a law of another state which is in substantial conformity with this
section, upon a charge of driving a vehicle while the license of such person
is revoked or suspended, shall extend the period of such suspension or
revocation for an additional period of 90 days.

(c) (1) The person found guilty of a class A nonperson misdemeanor
on a third or subsequent conviction of this section shall be sentenced to not
less than 90 days imprisonment and fined not less than $1,500 if such
person’s privilege to drive a motor vehicle is canceled, suspended or re-
vo ked because such person:

(A) Refused to submit and complete any test of blood, breath or urine
requested by law enforcement excluding the preliminary screening test as
set forth in K.S.A. 8-1012, and amendments thereto;

(B) was convicted of violating the provisions of K.S.A. 40-3104, and
amendments thereto, relating to motor vehicle liability insurance coverage;

(C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its
repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, involuntary manslaughter while driving under the
influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or invol-
untary manslaughter as defined in subsection (a)(3) of section 40 of chapter
136 of the 2010 Session Laws of Kansas, and amendments thereto, or any
other murder or manslaughter crime resulting from the operation of a motor
vehicle; or

(D) was convicted of being a habitual violator, K.S.A. 8-287, and
amendments thereto.
(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment.

(d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, “conviction” includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.

Sec. 6. K.S.A. 8-285 is hereby amended to read as follows: 8-285. Except as otherwise provided in this section, as used in this act, the words and phrases defined in K.S.A. 8-234a, and amendments thereto, shall have the meanings ascribed to them therein. The term “habitual violator” means any resident or nonresident person who, within the immediately preceding five years, has been convicted in this or any other state:

(a) Three or more times of:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or in section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any ordinance of any city in this state, any resolution of any county in this state or any law of another state which is in substantial conformity with that statute;

(2) violating K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute;

(3) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or while such person’s privilege to obtain a driver’s license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, or, as prohibited by any ordinance of any city in this state, any resolution of any county in this state or any law of another state which is in substantial conformity with those statutes;

(4) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(5) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications, or violating the
provisions of a law of another state which is in substantial conformity with that statute;

(6) any crime punishable as a felony, if a motor vehicle was used in the perpetration of the crime;

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602 through 8-1604, and amendments thereto, or required by any ordinance of any city in this state, any resolution of any county in this state or a law of another state which is in substantial conformity with those statutes; or

(8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage, or an ordinance of any city in this state, or a resolution of any county in this state which is in substantial conformity with such statute.

(b) Three or more times, either singly or in combination, of any of the offenses enumerated in subsection (a).

For the purpose of subsection (a)(2), in addition to the definition of “conviction” otherwise provided by law, conviction includes, but is not limited to, a diversion agreement entered into in lieu of further criminal proceedings, or a plea of nolo contendere, on a complaint, indictment, information, citation or notice to appear alleging a violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, or a resolution of a county in this state or law of another state, which ordinance or law prohibits the acts prohibited by that statute.

Sec. 7. K.S.A. 2010 Supp. 8-2,142 is hereby amended to read as follows: 8-2,142. (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year upon a first occurrence of any one of the following:

(1) While operating a commercial motor vehicle:

(A) The person is convicted of violating K.S.A. 8-2,144, and amendments thereto;

(B) the person is convicted of violating subsection (b) of K.S.A. 8-2,132, and amendments thereto;

(C) the person is convicted of causing a fatality through the negligent operation of a commercial motor vehicle; or

(D) the person’s test refusal or test failure, as defined in subsection (m); or

(E) the person is convicted of a violation identified in subsection (a)(2)(A); or

(2) while operating a noncommercial motor vehicle:

(A) The person is convicted of a violation of K.S.A. 8-1567, and amendments thereto, or of a violation of an ordinance of any city in this state, a resolution of any county in this state or any law of another state, which ordinance or law declares to be unlawful the acts prohibited by that statute; or
(B) the person’s test refusal or test failure, as defined in K.S.A. 8-1013,
and amendments thereto; or

(3) while operating any motor vehicle:
   (A) The person is convicted of leaving the scene of an accident; or
   (B) the person is convicted of a felony, other than a felony described
       in subsection (e), while using a motor vehicle to commit such felony.

(b) If any offenses, test refusal or test failure specified in subsection
(a) occurred in a commercial motor vehicle while transporting a hazardous
material required to be placarded, the person is disqualified for a period of
not less than three years.

(c) A person shall be disqualified for life upon the second or a subsequent
occurrence of any offense, test refusal or test failure specified in
subsection (a), or any combination thereof, arising from two or more separate
incidents.

(d) The secretary of revenue may adopt rules and regulations establish-
ing guidelines, including conditions, under which a disqualification for life
under subsection (c) may be reduced to a period of not less than 10 years.

(e) A person is disqualified from driving a commercial motor vehicle
for life who uses a commercial motor vehicle or noncommercial motor
vehicle in the commission of any felony involving the manufacture, distribu-
tion or dispensing of a controlled substance, or possession with intent to
manufacture, distribute or dispense a controlled substance.

(f) A person is disqualified from driving a commercial motor vehicle
for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period. Any disqualification period under this paragraph shall be in addition to any other previous period of disqualification. The beginning date for any three-year period within a ten-year period, required by this subsection, shall be the issuance date of the citation which resulted in a conviction.

(g) A person is disqualified from driving a commercial motor vehicle
for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a noncommercial motor vehicle arising from separate incidents occurring within a three-year period, if such convictions result in the revocation, cancellation or suspension of the person’s driving privileges.

(h) (1) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order shall be disqualified from driving a commercial motor vehicle for a period of not less than:
   (A) Ninety days nor more than one year, if the driver is convicted of a first violation of an out-of-service order;
   (B) one year nor more than five years if the person has one prior conviction for violating an out-of-service order in a separate incident and such
prior offense was committed within the 10 years immediately preceding the
date of the present violation; or

(C) three years nor more than five years if the person has two or more
prior convictions for violating out-of-service orders in separate incidents
and such prior offenses were committed within the 10 years immediately
preceding the date of the present violation.

(2) A person who is convicted of operating a commercial motor vehicle
in violation of an out-of-service order while transporting a hazardous ma-
terial required to be placarded under 49 U.S.C. § 5101 et seq. or while
operating a motor vehicle designed to transport more than 15 passengers,
including the driver, shall be disqualified from driving a commercial motor
vehicle for a period of not less than:

(A) One hundred and eighty days nor more than two years if the driver
is convicted of a first violation of an out-of-service order; or

(B) three years nor more than five years if the person has a prior con-
viction for violating an out-of-service order in a separate incident and such
prior offense was committed within the 10 years immediately preceding the
date of the present violation.

(i) (1) A person who is convicted of operating a commercial motor
vehicle in violation of a federal, state or local law or regulation pertaining
to one of the following six offenses at a railroad-highway grade crossing
shall be disqualified from driving a commercial motor vehicle for the period
of time specified in paragraph (2):

(A) For persons who are not required to always stop, failing to slow
down and check that the tracks are clear of an approaching train;

(B) for persons who are not required to always stop, failing to stop
before reaching the crossing, if the tracks are not clear;

(C) for persons who are always required to stop, failing to stop before
driving onto the crossing;

(D) for all persons failing to have sufficient space to drive completely
through the crossing without stopping;

(E) for all persons failing to obey a traffic control device or the direc-
tions of an enforcement official at the crossing; or

(F) for all persons failing to negotiate a crossing because of insufficient
undercarriage clearance.

(2) A driver shall be disqualified from driving a commercial motor
vehicle for not less than:

(A) Sixty days if the driver is convicted of a first violation of a railroad-
highway grade crossing violation;

(B) one hundred and twenty days if, during any three-year period, the
driver is convicted of a second railroad-highway grade crossing violation
in separate incidents; or

(C) one year if, during any three-year period, the driver is convicted of
a third or subsequent railroad-highway grade crossing violation in separate
incidents.
(j) After suspending, revoking or canceling a commercial driver’s license, the division shall update its records to reflect that action within 10 days. After suspending, revoking or canceling a nonresident commercial driver’s privileges, the division shall notify the licensing authority of the state which issued the commercial driver’s license or nonresident commercial driver’s license within 10 days. The notification shall include both the disqualification and the violation that resulted in the disqualification, suspension, revocation or cancellation.

(k) Upon receiving notification from the licensing authority of another state, that it has disqualified a commercial driver’s license holder licensed by this state, or has suspended, revoked or canceled such commercial driver’s license holder’s commercial driver’s license, the division shall record such notification and the information such notification provides on the driver’s record.

(l) Upon suspension, revocation, cancellation or disqualification of a commercial driver’s license under this act, the license shall be immediately surrendered to the division if still in the licensee’s possession. If otherwise eligible, and upon payment of the required fees, the licensee may be issued a noncommercial driver’s license for the period of suspension, revocation, cancellation or disqualification of the commercial driver’s license under the same identifier number.

(m) As used in this section, “test refusal” means a person’s refusal to submit to and complete a test requested pursuant to K.S.A. 8-2,145, and amendments thereto; “test failure” means a person’s submission to and completion of a test which determines that the person’s alcohol concentration is .04 or greater, pursuant to K.S.A. 8-2,145, and amendments thereto.

Sec. 8. K.S.A. 2010 Supp. 8-2,144 is hereby amended to read as follows: 8-2,144. (a) No person shall drive Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this state while:

(1) The alcohol concentration in the person’s blood or breath, as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .04 or more;

(2) the alcohol concentration in the person’s blood or breath, as measured within two hours of the time of driving a commercial motor vehicle, is .04 or more; or

(3) committing a violation of subsection (a) of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder.

(b) Upon a first conviction of a violation of this section, a person shall be guilty of a class B, nonperson misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months’ imprisonment, or in
the court's discretion, 100 hours of public service, and fined not less than $500 nor more than $1,000. The person convicted must serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.

(c) On a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,000 nor more than $1,500. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008, and amendments thereto.

(d) On the third conviction of a violation of this section, a person shall be guilty of a nonperson felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,500 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court also requires as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(b) (1) Driving a commercial motor vehicle under the influence is:
(A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more
than six months’ imprisonment, or in the court’s discretion, 100 hours of public service, and fined not less than $750 nor more than $1,000. The person convicted shall serve at least 48 consecutive hours’ imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release;

(B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,250 nor more than $1,750. The person convicted shall serve at least five consecutive days’ imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

(C) on a third or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place
the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person’s punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a
prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(6) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(7) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and (2) suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this section as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate
county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance or resolution.

(m) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(n) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) ‘‘Conviction’’ includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits;

(2) any convictions occurring during a person’s lifetime shall be taken into account when determining the sentence to be imposed for a first, second, third or subsequent offender; and

(3) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(o) For the purpose of this section:

(1) ‘‘Alcohol concentration’’ means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) ‘‘imprisonment’’ shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) ‘‘drug’’ includes toxic vapors as such term is defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.

(p) On and after July 1, 2011, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by section 3, and amendments thereto.

Sec. 9. K.S.A. 2010 Supp. 8-1001 is hereby amended to read as follows: 8-1001. (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent, subject to the provisions of this act, 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 herein shall include all quantitative and qual-
itative tests for alcohol and drugs. A person who is dead or unconscious shall be deemed not to have withdrawn the person’s consent to such test or tests, which shall be administered in the manner provided by this section.

(b) A law enforcement officer shall request a person to submit to a test or tests deemed consented to under subsection (a): (1) If the officer has reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both, or to believe that the person was driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system, or was under the age of 21 years while having alcohol or other drugs in such person’s system; and one of the following conditions exists: (A) The person has been arrested or otherwise taken into custody for any offense involving operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both, or for a violation of K.S.A. 8-1567a, and amendments thereto, or involving driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system, in violation of a state statute or a city ordinance; or (B) the person has been involved in a vehicle accident or collision resulting in property damage or personal injury other than serious injury; or (2) if the person was operating or attempting to operate a vehicle and such vehicle has been involved in an accident or collision resulting in serious injury or death of any person and the operator could be cited for any traffic offense, as defined in K.S.A. 8-2117, and amendments thereto. The traffic offense violation shall constitute probable cause for purposes of paragraph (2). The test or tests under paragraph (2) shall not be required if a law enforcement officer has reasonable grounds to believe the actions of the operator did not contribute to the accident or collision. The law enforcement officer directing administration of the test or tests may act on personal knowledge or on the basis of the collective information available to law enforcement officers involved in the accident investigation or arrest.

(c) If a law enforcement officer requests a person to submit to a test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by: (1) A person licensed to practice medicine and surgery, licensed as a physician’s assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; (3) any qualified medical technician, including, but not limited to, an emergency medical technician-intermediate, mobile intensive care technician, an emergency medical technician-intermediate defibrillator, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol or (4) a phlebotomist.

(d) A law enforcement officer may direct a medical professional described in this section to draw a sample of blood from a person:
(1) If the person has given consent and meets the requirements of subsection (b);
(2) if medically unable to consent, if the person meets the requirements of paragraph (2) of subsection (b); or
(3) if the person refuses to submit to and complete a test, if the person meets the requirements of paragraph (2) of subsection (b).

(e) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person’s life, cause serious injury to the person or seriously impede the person’s medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

(f) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document provided by law enforcement.

(g) If a person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person’s safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

(h) A law enforcement officer may request a urine sample upon meeting the requirements of paragraph (1) of subsection (b) and shall request a urine sample upon meeting the requirements of paragraph (2) of subsection (b).

(i) If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by persons of the same sex as the person being tested and shall: (1) A person licensed to practice medicine and surgery, licensed as a physician’s assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) a law enforcement officer of the same sex as the person being tested. The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the
person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in subsections (d) and (e) shall apply to the collection of a urine sample.

(j) No law enforcement officer who is acting in accordance with this section shall be liable in any civil or criminal proceeding involving the action.

(k) 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 driving privileges will be suspended for one year for the first occurrence, two years for the second occurrence, three years for the third occurrence, 10 years for the fourth occurrence and permanently revoked for a fifth or subsequent occurrence;

(5) if the person submits to and completes the test or tests and the test results show for the first occurrence:

(A) An alcohol concentration of .08 or greater, the person’s driving privileges will be suspended for 30 days for the first occurrence and one year for the second or subsequent occurrence; or

(B) an alcohol concentration of .15 or greater, the person’s driving privileges will be suspended for one year for the first or subsequent occurrence;

(6) if the person submits to and completes the test or tests and the test results show an alcohol concentration of .08 or greater, the person’s driving privileges will be suspended for one year for the second, third or fourth occurrence and permanently revoked for a fifth or subsequent occurrence;

(7) if the person is less than 21 years of age at the time of the test request and submits to and completes the tests and the test results show an alcohol concentration of .08 or greater, the person’s driving privileges will be suspended for one year except the person’s driving privileges will be permanently revoked for a fifth or subsequent occurrence;

(8) refusal to submit to testing may be used against the person at
any trial on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both;

(8) the results of the testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and

(9) 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 willing to conduct such testing.

(1) If a law enforcement officer has reasonable grounds to believe that the person has been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system, the person shall also be provided the oral and written notice pursuant to K.S.A. 8-2,145, and amendments thereto. Any failure to give the notices required by K.S.A. 8-2,145, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section. If a law enforcement officer has reasonable grounds to believe that the person has been driving or attempting to drive a vehicle while having alcohol or other drugs in such person’s system and such person was under 21 years of age, the person also shall be given the notices required by K.S.A. 8-1567a, and amendments thereto. Any failure to give the notices required by K.S.A. 8-1567a, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section.

(m) 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 test results show a blood or breath alcohol concentration of .08 or greater, the person’s driving privileges shall be subject to suspension, or suspension and restriction, as provided in K.S.A. 8-1002 and 8-1014, and amendments thereto.

(n) The person’s refusal shall be admissible in evidence against the person at any trial on a charge arising out of the alleged operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.

(o) If a law enforcement officer had reasonable grounds to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of .04 or greater, the person shall be disqualified from driving a commercial motor vehicle, pursuant to K.S.A. 8-2,142, and amendments thereto. If a law enforcement officer had reasonable grounds to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of .08 or greater, or the person refuses a test, the person’s driving privileges shall be subject to suspension, or suspension and restriction, pursuant to this section, in addition to being
disqualified from driving a commercial motor vehicle pursuant to K.S.A. 8-2,142, and amendments thereto.

(p) An officer shall have probable cause to believe that the person operated a vehicle while under the influence of alcohol or drugs, or both, if the vehicle was operated by such person in such a manner as to have caused the death of or serious injury to a person. In such event, such test or tests may be made pursuant to a search warrant issued under the authority of K.S.A. 22-2502, and amendments thereto, or without a search warrant under the authority of K.S.A. 22-2501, and amendments thereto.

(q) 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.

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

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

(t) 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.

(u) 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.

(v) This act is remedial law and shall be liberally construed to promote public health, safety and welfare.

(w) As used in this section, “serious injury” means a physical injury to a person, as determined by law enforcement, which has the effect of, prior to the request for testing:

1. Disabling a person from the physical capacity to remove themselves from the scene;
2. Renders a person unconscious;
3. The immediate loss of or absence of the normal use of at least one limb;
4. An injury determined by a physician to require surgery; or
5. Otherwise indicates the person may die or be permanently disabled by the injury.

Sec. 10. K.S.A. 8-1008 is hereby amended to read as follows: 8-1008.

(a) As used in this section, “provider” means: (1) A professional licensed by the behavioral sciences regulatory board to diagnose and treat mental or substance use disorders at the independent level who is compliant with the requirements set forth by the secretary of social and rehabilitation services as described in subsection (f); or (2) a professional licensed by the behavioral sciences regulatory board who is working in an alcohol and
drug treatment facility licensed by the secretary of social and rehabilitation services as meeting the requirements described in subsection (f).

(a) (b) Community-based alcohol and drug safety action programs certified in accordance with subsection (b) A provider shall provide:

(1) Alcohol and drug evaluations, prior to sentencing, of any person who is convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute; those statutes; and

(2) Supervision and monitoring of all persons who are convicted of a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, and whose sentences or terms of probation require completion of an alcohol and drug safety action program, as provided in this section, or an alcohol and drug abuse treatment program, as provided in this section;

(3) Alcohol and drug evaluations of persons whom the prosecutor considers for eligibility or finds eligible to enter a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute;

(4) Supervision and monitoring of persons required, under a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, to complete an alcohol and drug safety action program, as provided in this section, or an alcohol and drug abuse treatment program, as provided in this section;

(5) any combination of (1), (2), (3) and (4).

(b) (c) The presentence alcohol and drug evaluation shall be conducted by a community-based alcohol and drug safety action program certified in accordance with the provisions of this subsection to provide evaluation and supervision services as described in subsections (c) and (d). A community-based alcohol and drug safety action program shall be certified either by the chief judge of the judicial district to be served by the program or by the secretary of social and rehabilitation services for judicial districts in which the chief judge declines to certify a program. In addition to any qualifications established by the secretary, the chief judge may establish qualifications for the certification of programs, which qualifications may include requirements for training, education and certification of personnel; supervision and monitoring of clients; fee reimbursement procedures; handling of conflicts of interest; delivery of services to clients unable to pay; and other matters relating to quality and delivery of services by the program. In establishing the qualifications for programs, the chief judge or the secretary shall give preference to those programs which have had practical
experience prior to July 1, 1982, in diagnosis and referral in alcohol and drug abuse. Certification of a program by the chief judge shall be done with consultation and approval of a majority of the judges of the district court of the district and municipal judges of cities lying in whole or in part within the district. If within 60 days after the effective date of this act the chief judge declines to certify any program for the judicial district, the judge shall notify the secretary of social and rehabilitation services, and the secretary of social and rehabilitation services shall certify a community-based alcohol and drug safety action program for that judicial district. The certification shall be for a four-year period. Recertification of a program or certification of a different program shall be by the chief judge, with consultation and approval of a majority of the judges of the district court of the district and municipal judges of cities lying in whole or in part within the district. If upon expiration of certification of a program there will be no certified program for the district and the chief judge declines to recertify or certify any program in the district, the judge shall notify the secretary of social and rehabilitation services, at least six months prior to the expiration of certification, that the judge declines to recertify or certify a program under this subsection. Upon receipt of the notice and prior to the expiration of certification, the secretary shall recertify or certify a community-based alcohol and drug safety action program for the judicial district for the next four-year period. To be eligible for certification under this subsection, the chief judge or the secretary of social and rehabilitation services shall determine that a community-based alcohol and drug safety action program meets the qualifications established by the judge or the secretary. A provider shall be capable of providing, within the judicial district: (1) The evaluations, supervision and monitoring required under subsection (a); (2) the alcohol and drug evaluation report required under subsection (c) or (d); (3) the follow-up duties specified under subsection (c) or (d) for persons who prepare the alcohol and drug evaluation report; and (4) any other functions and duties specified by law. Community-based alcohol and drug safety action programs. The secretary of social and rehabilitation services shall provide each judicial district with an electronic list of providers, and such list shall be used when selecting a provider to be used as described in subsections (d) and (e). The secretary of social and rehabilitation services shall also make all such lists of providers publicly available on the official website of the department of social and rehabilitation services. Any provider performing services in any judicial district under this section prior to the effective date of this act July 1, 2011, may continue to perform those services until a community-based alcohol and drug safety action program is certified for that judicial district July 1, 2012.

(e) (d) A presentence Prior to sentencing, an alcohol and drug evaluation shall be conducted on any person who is convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited
by that statute. The presentence alcohol and drug evaluation report shall be made available to and shall be considered by the court prior to sentencing. The presentence alcohol and drug evaluation report shall contain a history of the defendant’s prior traffic record, characteristics and alcohol or drug problems, or both, and a recommendation concerning the amenability of the defendant to education and rehabilitation. The presentence alcohol and drug evaluation report shall include a recommendation concerning the alcohol and drug driving safety education and treatment for the defendant. The presentence alcohol and drug evaluation report shall be prepared by a program which has demonstrated practical experience in the diagnosis of alcohol and drug abuse. The duties of persons who prepare the presentence alcohol and drug evaluation report may also include appearing at sentencing and probation hearings in accordance with the orders of the court, monitoring defendants in the treatment programs, notifying the probation department and the court of any defendant failing to meet the conditions of probation or referrals to treatment, appearing at revocation hearings as may be required and providing assistance and data reporting and program evaluation. The court shall order that cost of any alcohol and drug education, rehabilitation and treatment programs for any person shall be paid by such person, and such costs shall include, but not be limited to, the assessments required by subsection (e). If financial obligations are not met or cannot be met, the sentencing court shall be notified for the purpose of collection or review and further action on the defendant’s sentence to the provider at the time of service, and shall not exceed $150.

(e) An alcohol and drug evaluation shall be conducted on any person whom the prosecutor considers for eligibility or finds eligible to enter a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute. The alcohol and drug evaluation report shall be made available to the prosecuting attorney and shall be considered by the prosecuting attorney. The alcohol and drug evaluation report shall contain a history of the person’s prior traffic record, characteristics and alcohol or drug problems, or both, and a recommendation concerning the amenability of the person to education and rehabilitation. The alcohol and drug evaluation report shall include a recommendation concerning the alcohol and drug driving safety education and treatment for the person. The alcohol and drug evaluation report shall be prepared by a program which has demonstrated practical experience in the diagnosis of alcohol and drug abuse. The duties of persons who prepare the alcohol and drug evaluation report may also include monitoring persons in the treatment programs, notifying the prosecutor and the court of any person failing to meet the conditions of diversion or referrals to treatment, and providing assistance and data reporting and program evaluation. The cost of any alcohol and drug education, rehabilitation and treatment programs for any person shall
be paid by such person, and such costs shall include, but not be limited to, the assessments required by subsection (e) to the provider at the time of service, and shall not exceed $150.

(e) In addition to any fines, fees, penalties, or costs levied against a person who is convicted of a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, or who enters a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of that statute or such an ordinance, $150 shall be assessed against the person by the sentencing court or under the diversion agreement. The $150 assessment may be waived by the court, in whole or in part, or, in the case of diversion of criminal proceedings, by the prosecuting attorney, if the court or prosecuting attorney finds that the defendant is an indigent person. Except as otherwise provided in this subsection, the clerk of the court shall deposit all assessments received under this section in the alcohol and drug safety action fund of the court, which fund shall be subject to the administration of the judge having administrative authority over that court. If the secretary of social and rehabilitation services certifies the community-based alcohol and drug safety action program for the judicial district in which the court is located, the clerk of the court shall remit, during the four-year period for which the program is certified, 15% of all assessments received under this section to the secretary of social and rehabilitation services. Moneys credited to the alcohol and drug safety action fund shall be expended by the court, pursuant to vouchers signed by the judge having administrative authority over that court, only for costs of the services specified by subsection (a) or otherwise required or authorized by law and provided by community-based alcohol and drug safety action programs, except that not more than 40% of the money credited to the fund may be expended to cover the expenses of the court involved in administering the provisions of this section. The district or municipal judge having administrative authority over that court shall compile a report and send such report to the office of the state judicial administrator on or before January 20 of each year, beginning January 20, 1991. Such report shall include, but not be limited to:

(1) The balance of the alcohol and drug safety action fund of the court on December 31 of each year;

(2) the assessments deposited into the fund during the 12-month period ending the preceding December 31; and

(3) the dollar amounts expended from the fund during the 12-month period ending the preceding December 31.

The office of the state judicial administrator shall compile such reports into a statewide report and submit such statewide report to the legislature on or before March 1 of each year.

(f) The secretary of social and rehabilitation services shall remit all
moneys received by the secretary under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the certification of community-based alcohol and drug safety action programs fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants issued pursuant to vouchers approved by the secretary of social and rehabilitation services or a person designated by the secretary.

(f) All alcohol and drug evaluations conducted pursuant to this section shall utilize a standardized substance use evaluation approved by the secretary of social and rehabilitation services and be submitted in a format approved by the secretary of social and rehabilitation services. On or before July 1, 2012, the secretary of social and rehabilitation services shall promulgate rules and regulations to implement this section.

Sec. 11. K.S.A. 8-1009 is hereby amended to read as follows: 8-1009.

(a) Upon the filing of a first complaint, indictment or information alleging a person has violated K.S.A. 8-1567, and amendments thereto, when the acts prohibited by K.S.A. 8-1567, and amendments thereto, occur concurrently with any such alleged violation, or a county resolution which prohibits the acts prohibited by that statute, and prior to conviction thereof, the district attorney or county attorney shall determine whether the defendant shall be allowed to enter into a diversion agreement in accordance with this act.

(b) Upon the filing of a first complaint, citation or notice to appear alleging a person has violated a city ordinance which prohibits the acts prohibited by K.S.A. 8-1567, and amendments thereto, and prior to conviction thereof, the city attorney shall determine whether the defendant shall be allowed to enter into a diversion agreement in accordance with this act.

Sec. 12. K.S.A. 2010 Supp. 8-1012 is hereby amended to read as follows: 8-1012. (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person’s breath or saliva, or both, subject to the provisions set out in subsection (b).

(b) A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person’s breath or saliva, or both, subject to the provisions set out in subsection (b).

(c) At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a traffic infraction; and
(3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.

(d) Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto.

(e) Any preliminary screening of a person’s breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person’s saliva shall be conducted with a device approved pursuant to section 2, and amendments thereto.

Sec. 13. K.S.A. 2010 Supp. 8-1013 is hereby amended to read as follows: 8-1013. As used in K.S.A. 8-1001 through 8-1010, 8-1011, 8-1012, 8-1014, 8-1015, 8-1016, 8-1017 and 8-1018, and amendments thereto, and this section:

(a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b) (1) "Alcohol or drug-related conviction" means any of the following: (A) Conviction of vehicular battery oragrivated vehicular homicide, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto; (B) conviction of a violation of a law of another state which would constitute a crime described in subsection (b)(1)(A) if committed in this state; (C) conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (b)(1)(A), whether or not such conviction is in a court of record; or (D) conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or would constitute a crime described in subsection (b)(1)(A) if committed off a military reservation in this state.

(2) For the purpose of determining whether an occurrence is a first, second or subsequent occurrence: (A) "Alcohol or drug-related convic-
tion” also includes entering into a diversion agreement in lieu of further
criminal proceedings on a complaint alleging commission of a crime de-
scribed in subsection (b)(1), including a diversion agreement entered into
prior to the effective date of this act; and (B) it is irrelevant whether an
offense occurred before or after conviction or diversion for a previous of-
fense.
  (c) “Division” means the division of vehicles of the department of
  revenue.
  (d) “Ignition interlock device” means a device which uses a breath
analysis mechanism to prevent a person from operating a motor vehicle if
such person has consumed an alcoholic beverage.
  (e) “Occurrence” means a test refusal, test failure or alcohol or drug-
related conviction, or any combination thereof arising from one arrest, in-
cluding an arrest which occurred prior to the effective day of this act.
  (f) “Other competent evidence” includes: (1) Alcohol concentration
tests obtained from samples taken two three hours or more after the
operation or attempted operation of a vehicle; and (2) readings obtained from a
partial alcohol concentration test on a breath testing machine.
  (g) “Samples” includes breath supplied directly for testing, which
breath is not preserved.
  (h) “Test failure” or “fails a test” refers to a person’s having results
of a test administered pursuant to this act, other than a preliminary screening
test, which show an alcohol concentration of .08 or greater in the person’s
blood or breath, and includes failure of any such test on a military reser-
vation.
  (i) “Test refusal” or “refuses a test” refers to a person’s failure to
submit to or complete any test of the person’s blood, breath, urine or other
bodily substance, other than a preliminary screening test, in accordance
with this act, and includes refusal of any such test on a military reservation.
  (j) “Law enforcement officer” has the meaning provided by K.S.A.
21-3110 section 11 of chapter 136 of the 2010 Session Laws of Kansas,
and amendments thereto, and includes any person authorized by law to
make an arrest on a military reservation for an act which would constitute
a violation of K.S.A. 8-1567, and amendments thereto, if committed off a
military reservation in this state.

Sec. 14. K.S.A. 2010 Supp. 8-1014 is hereby amended to read as fol-
lows: 8-1014. (a) Except as provided by subsection (e) and K.S.A. 8-2,142,
and amendments thereto, if a person refuses a test, the division, pursuant
to K.S.A. 8-1002, and amendments thereto, shall:
  (1) On the person’s first occurrence, suspend the person’s driving priv-
ileges for one year and at the end of the suspension, restrict the person’s
driving privileges for one year to driving only a motor vehicle equipped
with an ignition interlock device;
  (2) on the person’s second occurrence, suspend the person’s driving
(3) on the person’s third occurrence, suspend the person’s driving privileges for three years one year and at the end of the suspension, restrict the person’s driving privileges for three years to driving only a motor vehicle equipped with an ignition interlock device; 

(4) on the person’s fourth occurrence, suspend the person’s driving privileges for 10 years one year and at the end of the suspension, restrict the person’s driving privileges for four years to driving only a motor vehicle equipped with an ignition interlock device; and

(5) on the person’s fifth or subsequent occurrence, revoke the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges permanently for 10 years to driving only a motor vehicle equipped with an ignition interlock device.

(b) (1) Except as provided by subsections (b)(2), (c) and (e) and K.S.A. 8-2,142, and amendments thereto, if a person fails a test or has an alcohol or drug-related conviction in this state, the division shall:

(A) On the person’s first occurrence, suspend the person’s driving privileges for 30 days and at the end of the suspension, then restrict the person’s driving privileges as provided by subsection (b) of K.S.A. 8-1015, and amendments thereto, for an additional 330 days;

(B) on the person’s second, third or fourth occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device; and

(C) on the person’s third occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for two years to driving only a motor vehicle equipped with an ignition interlock device;

(D) on the person’s fourth occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for three years to driving only a motor vehicle equipped with an ignition interlock device; and

(E) on the person’s fifth or subsequent occurrence, the person’s driving privileges shall be permanently revoked.

(2) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person fails a test or has an alcohol or drug-related conviction in this state and the person’s blood or breath alcohol concentration is .15 or greater, the division shall:

(A) On the person’s first occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s
driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device;

(B) on the person’s second occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for two years to driving only a motor vehicle equipped with an ignition interlock device;

(C) on the person’s third occurrence, suspend the person’s driving privileges for one year and at the end of the suspension restrict the person’s driving privileges for three years to driving only a motor vehicle equipped with an ignition interlock device;

(D) on the person’s fourth occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for four years to driving only a motor vehicle equipped with an ignition interlock device; and

(E) on the person’s fifth or subsequent occurrence, the person’s driving privileges shall be permanently revoked. suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for 10 years to driving only a motor vehicle equipped with an ignition interlock device.

(3) Whenever a person’s driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device, proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person’s driving privileges are fully reinstated.

(4) Whenever a person’s driving privileges have been suspended for one year on the second occurrence of an alcohol or drug-related conviction in this state as provided in subsection (b)(1), after 45 days of such suspension, such person may apply to the division for such person’s driving privileges to be restricted for the remainder of the one-year period to driving only a motor vehicle equipped with an ignition interlock and only for the purposes of getting to and from work, school, or an alcohol treatment program or to go to and from the ignition interlock provider for maintenance and downloading of data from the device. If such person violates the restrictions, such person’s driving privileges shall be suspended for an additional year, in addition to any term of restriction as provided in subsection (b)(1).

(3) Whenever a person’s driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device for 10 years under this section, such person may petition any district court for relief from such restriction after five years of such restriction have been served. The court shall consider, but not be limited to, whether: (A) Such person’s driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court; and (B) such person proves installation, maintenance and use of an ignition interlock device approved by the division throughout the five-year period. If the
court finds that the person’s driving privileges should be restored, then the court shall electronically report such order to the division. The division, upon receiving such order, shall restore such person’s driving privileges, unless such person’s driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.

(c) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person who is less than 21 years of age fails a test or has an alcohol or drug-related conviction in this state, the division shall:

(1) On the person’s first occurrence, suspend the person’s driving privileges for one year. If the person’s blood or breath alcohol concentration is .15 or greater, the division shall at the end of the suspension, restrict the person’s driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device;

(2) on the person’s second and subsequent occurrences, penalties shall be imposed pursuant to subsection (b).

(d) Whenever the division is notified by an alcohol and drug safety action program that a person has failed to complete any alcohol and drug safety action education or treatment program ordered by a court for a conviction of a violation of K.S.A. 8-1567, and amendments thereto, the division shall suspend the person’s driving privileges until the division receives notice of the person’s completion of such program.

(e) Except as provided in K.S.A. 8-2,142, and amendments thereto, if a person’s driving privileges are subject to suspension pursuant to this section for a test refusal, test failure or alcohol or drug-related conviction arising from the same arrest, the period of such suspension shall not exceed the longest applicable period authorized by subsection (a), (b) or (c), and such suspension periods shall not be added together or otherwise imposed consecutively. In addition, in determining the period of such suspension as authorized by subsection (a), (b) or (c), such person shall receive credit for any period of time for which such person’s driving privileges were suspended while awaiting any hearing or final order authorized by this act.

If a person’s driving privileges are subject to restriction pursuant to this section for a test failure or alcohol or drug-related conviction arising from the same arrest, the restriction periods shall not be added together or otherwise imposed consecutively. In addition, in determining the period of restriction, the person shall receive credit for any period of suspension imposed for a test refusal arising from the same arrest.

(f) If the division has taken action under subsection (a) for a test refusal or under subsection (b) or (c) for a test failure and such action is stayed pursuant to K.S.A. 8-259, and amendments thereto, or if temporary driving privileges are issued pursuant to K.S.A. 8-1020, and amendments thereto, the stay or temporary driving privileges shall not prevent the division from taking the action required by subsection (b) or (c) for an alcohol or drug-related conviction.
(g) Upon restricting a person’s driving privileges pursuant to this section, the division shall issue a copy of the order imposing the restrictions which is required to be carried by the person at any time the person is operating a motor vehicle on the highways of this state.

(h) Except as provided further, any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may operate an employer’s vehicle without an ignition interlock device installed during normal business activities, provided that the person does not partly or entirely own or control the employer’s vehicle or business. The provisions of this subsection shall not apply to any person whose driving privileges have been restricted for the remainder of the one-year period on the second occurrence of an alcohol or drug-related conviction in this state as provided in subsection (b)(1).

(g) The provisions of subsections (a), (b) and (c), as amended by this act, may be applied retroactively only if requested by a person who has had such person’s driving privileges suspended or restricted pursuant to subsection (a), (b) or (c) prior to such amendment. Such person may apply to the division to have the penalties applied retroactively, as provided under subsection (f) of K.S.A. 8-1015, and amendments thereto.

(h) As used in this section, “suspension” includes any period of suspension and any period of restriction as provided in subsection (a) of K.S.A. 8-1015, and amendments thereto.

Sec. 15. K.S.A. 2010 Supp. 8-1015 is hereby amended to read as follows: 8-1015. (a) When subsection (b)(1) of K.S.A. 8-1014, and amendments thereto, requires or authorizes the division to place restrictions on a person’s driving privileges, the division shall restrict the person’s driving privileges to driving only under the circumstances provided by subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292 and amendments thereto.

(b) In lieu of the restrictions set out in subsection (a), the division, upon request of the person whose driving privileges are to be restricted, may restrict the person’s driving privileges to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and obtained, installed and maintained at the person’s expense. Prior to issuing such restricted license, the division shall receive proof of the installation of such device.

(a) (1) Whenever a person’s driving privileges have been suspended for one year as provided in subsection (a), (b) or (c) of K.S.A. 8-1014, and amendments thereto, after 45 days of such suspension, such person may apply to the division for such person’s driving privileges to be restricted for the remainder of the one-year suspension period to driving only a motor vehicle equipped with an ignition interlock device and only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device.
(2) The division shall approve the request for such restricted license unless such person’s driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court. If the request is approved, upon receipt of proof of the installation of such device, the division shall issue a copy of the order imposing such restrictions on the person’s driving privileges and such order shall be carried by the person at any time the person is operating a motor vehicle on the highways of this state. Except as provided in K.S.A. 8-1017, and amendments thereto, if such person is convicted of a violation of the restrictions, such person’s driving privileges shall be suspended for an additional year, in addition to any term of suspension or restriction as provided in subsection (a), (b) or (c) of K.S.A. 8-1014, and amendments thereto.

(b) (1) On and after July 1, 2011, through June 30, 2015:

(A) Except as provided in subsection (b)(1)(B), when a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person’s driving privileges for 180 days to driving only a motor vehicle equipped with an ignition interlock device.

(B) When a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person’s driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device if the records maintained by the division indicate that such person has previously: (A) Been convicted of a violation of K.S.A. 8-1599, and amendments thereto; (B) been convicted of a violation of K.S.A. 41-727, and amendments thereto; (C) been convicted of any violations listed in subsection (a) of K.S.A. 8-285, and amendments thereto; (D) been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period; or (E) had such person’s driving privileges revoked, suspended, canceled or withdrawn.

(2) On and after July 1, 2015:

(A) Except as provided in subsection (b)(2)(B), when a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person’s driving privileges to driving only under the circumstances provided by subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292, and amendments thereto.

(B) In lieu of the restrictions set out in subsection (b)(2)(A), the division, upon request of the person whose driving privileges are to be restricted, may restrict the person’s driving privileges to driving only a motor vehicle equipped with an ignition interlock device.

(c) Except as provided in subsection (b), when a person has completed the suspension pursuant to subsection (b)(a), (b) or (c) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person’s driving privileges pursuant to subsection (b)(a), (b) or (c) of K.S.A. 8-1014, and amendments thereto, to driving only a motor vehicle equipped with an
ignition interlock device, approved by the division and maintained at the person’s expense. Proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person’s driving privileges are fully reinstated. Upon restricting a person’s driving privileges pursuant to this subsection, the division shall issue a copy of the order imposing the restrictions which is required to be carried by the person at any time the person is operating a motor vehicle on the highways of this state.

(d) Whenever an ignition interlock device is required by law, such ignition interlock device shall be approved by the division and maintained at the person’s expense. Proof of the installation of such ignition interlock device, for the entire period required by the applicable law, shall be provided to the division before the person’s driving privileges are fully reinstated.

(e) Except as provided further, any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may operate an employer’s vehicle without an ignition interlock device installed during normal business activities, provided that the person does not partly or entirely own or control the employer’s vehicle or business. The provisions of this subsection shall not apply to any person whose driving privileges have been restricted for the remainder of the one-year suspension period as provided in subsection (a).

(f) Upon expiration of the period of time for which restrictions are imposed pursuant to this section, the licensee may apply to the division for the return of any license previously surrendered by the licensee. If the license has expired, the person may apply to the division for a new license, which shall be issued by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless the person’s driving privileges have been suspended or revoked prior to expiration.

(g) Any person who has had the person’s driving privileges suspended or restricted pursuant to subsection (a), (b) or (c) of K.S.A. 8-1014, prior to the amendments by this act, may apply to the division to have the suspension and restriction penalties modified in conformity with the provisions of subsection (a), (b) or (c) of K.S.A. 8-1014, and amendments thereto. The division shall assess an application fee of $100 for a person to apply to modify the suspension and restriction penalties previously issued. The division shall remit all application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the division of vehicles operating fund until an aggregate amount of $100,000 is credited to the division of vehicles operating fund. On and after an aggregate amount of $100,000 is credited to such fund the entire amount of such remittance shall be credited to the community corrections supervision fund created by section 3, and amendments thereto. The application fee established in this
section shall be the only fee collected or moneys in the nature of a fee collected for such application. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. The division shall modify the suspension and restriction penalties, unless such person’s driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.

Sec. 16. K.S.A. 8-1017 is hereby amended to read as follows: 8-1017.
(a) No person shall:
   (1) Tamper with an ignition interlock device for the purpose of circumventing it or rendering it inaccurate or inoperative;
   (2) request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court;
   (3) blow into an ignition interlock device, or start a motor vehicle equipped with an ignition interlock device for the purpose of such device, providing an operable motor vehicle to a person whose driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court; or
   (4) operate a vehicle not equipped with an ignition interlock device during the restricted period while such person’s driving privileges have been restricted to driving a motor vehicle equipped with such device.
(b) Violation of this section is a class A, nonperson misdemeanor.
(c) In addition to any other penalties provided by law, upon receipt of a conviction for a violation of this section, the division shall suspend the person’s driving privileges for a period of two years.
   (1) (A) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person’s driving privileges for an additional 90 days; and
   (B) on a second or subsequent conviction of a violation of subsection (a)(1) or (a)(2), the division shall restart the original ignition interlock restriction period on the person’s driving privileges; and
   (2) on a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person’s driving privileges.

Sec. 17. K.S.A. 2010 Supp. 8-1020 is hereby amended to read as follows: 8-1020. (a) Any licensee served with an officer’s certification and notice of suspension pursuant to K.S.A. 8-1002, and amendments thereto, may request an administrative hearing. Such request may be made either by:
   (1) Mailing a written request which is postmarked 14 days after service of notice; or
(2) transmitting a written request by electronic facsimile which is received by the division within 14 days after service of notice.

(b) If the licensee makes a timely request for an administrative hearing, any temporary license issued pursuant to K.S.A. 8-1002, and amendments thereto, shall remain in effect until the 30th day after the effective date of the decision made by the division.

(c) If the licensee fails to make a timely request for an administrative hearing, the licensee’s driving privileges shall be suspended or suspended and then restricted in accordance with the notice of suspension served pursuant to K.S.A. 8-1002, and amendments thereto.

(d) (1) Upon receipt of a timely request for a hearing, the division shall forthwith set the matter for hearing before a representative of the director and provide notice of the extension of temporary driving privileges. The hearing shall be held by telephone conference call unless the hearing request includes a request that the hearing be held in person before a representative of the director. The officer’s certification and notice of suspension shall inform the licensee of the availability of a hearing before a representative of the director. Except for a hearing conducted by telephone conference call, the hearing shall be conducted in the county where the arrest occurred or a county adjacent thereto.

(2) The division shall charge a fee of $50 for a hearing, whether held by telephone or in person, to be applied by the division for administrative costs to conduct the hearing. The division shall remit all hearing fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund. The hearing fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such hearing. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(e) Except as provided in subsection (f), prehearing discovery shall be limited to the following documents, which shall be provided to the licensee or the licensee’s attorney no later than seven days prior to the date of hearing:

(1) The officer’s certification and notice of suspension;

(2) in the case of a breath or blood test failure, copies of documents indicating the result of any evidentiary breath or blood test administered at the request of a law enforcement officer;

(3) in the case of a breath test failure, a copy of the affidavit showing certification of the officer and the instrument; and

(4) in the case of a breath test failure, a copy of the Kansas department of health and environment testing protocol checklist.

(f) At or prior to the time the notice of hearing is sent, the division shall issue an order allowing the licensee or the licensee’s attorney to review
any video or audio tape record made of the events upon which the administrative action is based. Such review shall take place at a reasonable time designated by the law enforcement agency and shall be made at the location where the video or audio tape is kept. The licensee may obtain a copy of any such video or audio tape upon request and upon payment of a reasonable fee to the law enforcement agency, not to exceed $25 per tape.

(g) Witnesses at the hearing shall be limited to the licensee, to any law enforcement officer who signed the certification form and to one other witness who was present at the time of the issuance of the certification and called by the licensee. The presence of the certifying officer or officers shall not be required, unless requested by the licensee at the time of making the request for the hearing. The examination of a law enforcement officer shall be restricted to the factual circumstances relied upon in the officer’s certification.

(h) (1) If the officer certifies that the person refused the test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;

(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 person refused to submit to and complete a test as requested by a law enforcement officer.

(2) If the officer certifies that the person failed a breath test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;

(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;

(D) the testing equipment used was certified by the Kansas department of health and environment;

(E) the person who operated the testing equipment was certified by the Kansas department of health and environment;
(F) the testing procedures used substantially complied with the procedures set out by the Kansas department of health and environment;
(G) the test result determined that the person had an alcohol concentration of .08 or greater in such person’s breath; and
(H) the person was operating or attempting to operate a vehicle.
(3) If the officer certifies that the person failed a blood test, the scope of the hearing shall be limited to whether:
(A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system;
(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;
(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;
(D) the testing equipment used was reliable;
(E) the person who operated the testing equipment was qualified;
(F) the testing procedures used were reliable;
(G) the test result determined that the person had an alcohol concentration of .08 or greater in such person’s blood; and
(H) the person was operating or attempting to operate a vehicle.
(i) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, an affidavit of the custodian of records at the Kansas department of health and environment stating that the breath testing device was certified and the operator of such device was certified on the date of the test shall be admissible into evidence in the same manner and with the same force and effect as if the certifying officer or employee of the Kansas department of health and environment had testified in person.
A certified operator of a breath testing device shall be competent to testify regarding the proper procedures to be used in conducting the test.
(j) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, in which the report of blood test results have been prepared by the Kansas bureau of investigation or other forensic laboratory of a state or local law enforcement agency are to be introduced as evidence, the report, or a copy of the report, of the findings of the forensic examiner shall be admissible into evidence in the same manner and with the same force and effect as if the forensic examiner who performed such examination, analysis, comparison or identification and prepared the report thereon had testified in person.
(k) At the hearing, the licensee has the burden of proof by a preponderance of the evidence to show that the facts set out in the officer’s certification are false or insufficient and that the order suspending or suspending and restricting the licensee’s driving privileges should be dismissed.
Evidence at the hearing shall be limited to the following:
(1) The documents set out in subsection (e);
(2) the testimony of the licensee;
(3) the testimony of any certifying officer;
(4) the testimony of any witness present at the time of the issuance of the certification and called by the licensee;
(5) any affidavits submitted from other witnesses;
(6) any documents submitted by the licensee to show the existence of a medical condition, as described in K.S.A. 8-1001, and amendments thereto; and
(7) any video or audio tape record of the events upon which the administrative action is based.

After the hearing, the representative of the director shall enter an order affirming the order of suspension or suspension and restriction of driving privileges or for good cause appearing therefor, dismiss the administrative action. If the representative of the director enters an order affirming the order of suspension or suspension and restriction of driving privileges, the suspension or suspension and restriction shall begin on the 30th day after the effective date of the order of suspension or suspension and restriction. If the person whose privileges are suspended is a nonresident licensee, the license of the person shall be forwarded to the appropriate licensing authority in the person’s state of residence if the result at the hearing is adverse to such person or if no timely request for a hearing is received.

The representative of the director may issue an order at the close of the hearing or may take the matter under advisement and issue a hearing order at a later date. If the order is made at the close of the hearing, the licensee or the licensee’s attorney shall be served with a copy of the order by the representative of the director. If the matter is taken under advisement or if the hearing was by telephone conference call, the licensee and any attorney who appeared at the administrative hearing upon behalf of the licensee shall be served with a copy of the hearing order by mail. Any law enforcement officer who appeared at the hearing also may be mailed a copy of the hearing order. The effective date of the hearing order shall be the date upon which the hearing order is served, whether served in person or by mail.

The licensee may file a petition for review of the hearing order pursuant to K.S.A. 8-259, and amendments thereto. Upon filing a petition for review, the licensee shall serve the secretary of revenue with a copy of the petition and summons. Upon receipt of a copy of the petition for review by the secretary, the temporary license issued pursuant to subsection (b) shall be extended until the decision on the petition for review is final.

Such review shall be in accordance with this section and the Kansas judicial review act for judicial review and civil enforcement of agency actions. To the extent that this section and any other provision of law conflicts, this section shall prevail. The petition for review shall be filed within
14 days after the effective date of the order. Venue of the action for review is the county where the person was arrested or the accident occurred, or, if the hearing was not conducted by telephone conference call, the county where the administrative proceeding was held. The action for review shall be by trial de novo to the court and the evidentiary restrictions of subsection (l) shall not apply to the trial de novo. The court shall take testimony, examine the facts of the case and determine whether the petitioner is entitled to driving privileges or whether the petitioner’s driving privileges are subject to suspension or suspension and restriction under the provisions of this act. If the court finds that the grounds for action by the agency have been met, the court shall affirm the agency action.

(q) Upon review, the licensee shall have the burden to show that the decision of the agency should be set aside.

(r) Notwithstanding the requirement to issue a temporary license in K.S.A. 8-1002, and amendments thereto, and the requirements to extend the temporary license in this section, any such temporary driving privileges are subject to restriction, suspension, revocation or cancellation as provided in K.S.A. 8-1014, and amendments thereto, or for other cause.

(s) Upon motion by a party, or on the court’s own motion, the court may enter an order restricting the driving privileges allowed by the temporary license provided for in K.S.A. 8-1002, and amendments thereto, and in this section. The temporary license also shall be subject to restriction, suspension, revocation or cancellation, as set out in K.S.A. 8-1014, and amendments thereto, or for other cause.

(t) The facts found by the hearing officer or by the district court upon a petition for review shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect the suspension or suspension and restriction to be imposed under this section.

(u) All notices affirming or canceling a suspension under this section, all notices of a hearing held under this section and all issuances of temporary driving privileges pursuant to this section shall be sent by first-class mail and a United States post office certificate of mailing shall be obtained therefor. All notices so mailed shall be deemed received three days after mailing, except that this provision shall not apply to any licensee where such application would result in a manifest injustice.

(v) The provisions of K.S.A. 60-206, and amendments thereto, regarding the computation of time shall be applicable in determining the time for requesting an administrative hearing as set out in subsection (a) and to the time for filing a petition for review pursuant to subsection (o) and K.S.A. 8-259, and amendments thereto.

Sec. 18. K.S.A. 2010 Supp. 8-1022 is hereby amended to read as follows: 8-1022. (a) It shall be unlawful for the owner of a motor vehicle to
allow a person to drive such vehicle when such owner knows or reasonably should have known such person was driving in violation of K.S.A. 8-1014, and amendments thereto.

(b) Violation of this section is an unclassified misdemeanor punishable by a fine of not less than $500 nor more than $1,000. In addition to the fine imposed upon a person convicted of a violation of this section, the court may order that the convicted person’s motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs. Prior to ordering the impoundment or immobilization of any such motor vehicle, the court shall consider the factors established in subsection (g) of K.S.A. 8-1567, and amendments thereto. Any personal property in a vehicle impounded or immobilized pursuant to this section may be retrieved prior to or during the period of such impoundment or immobilization.

Sec. 19. K.S.A. 2010 Supp. 8-1567 is hereby amended to read as follows:

(a) No person shall operate or attempt to operate any vehicle within this state while:

(1) The alcohol concentration in the person’s blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;

(2) the alcohol concentration in the person’s blood or breath, as measured within two (two) hours of the time of operating or attempting to operate a vehicle, is .08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (6) No person shall operate or attempt to operate any vehicle within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.

(c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(d) (b) (1) Upon a first conviction of a violation of this section, a person shall be guilty of Driving under the influence is:

(A) On a first conviction a class B, nonperson misdemeanor and The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months’ imprisonment, or in the court’s discretion 100
hours of public service, and fined not less than $500 nor more than $1,000. The person convicted must serve at least 48 consecutive hours’ imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment;

In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.

(e) (B) on a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,000 nor more than $1,250 nor more than $1,750. The person convicted must serve at least five consecutive days’ imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008, and amendments thereto.

(f) (C) on a third conviction a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be
sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 240 hours;

(D) on the a third conviction of a violation of this section, a person shall be guilty of a nonperson felony and if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,500 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this paragraph subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which
verifies the offender’s location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 240 hours; and

(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines:

(A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

The court shall also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto.

(g) (f) (E) on the a fourth or subsequent conviction of a violation of this section, a person shall be guilty of a nonperson felony and The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this paragraph may be served in a work release program only after such person has served 72 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a
house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 72 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.

(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704 section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

At the time of the filing of the judgment form or journal entry as required by K.S.A. 21-4620 or 22-3426, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the secretary of corrections within three business days of receipt of the judgment form or journal entry from the court and notify the secretary of corrections when the term of imprisonment expires and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the secretary. After the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease su-
pervision, which such period of postrelease supervision shall not be re-
duced. During such postrelease supervision, the person shall be required to
participate in an inpatient or outpatient program for alcohol and drug abuse,
including, but not limited to, an approved aftercare plan or mental health
counseling, as determined by the secretary and satisfy conditions imposed
by the Kansas parole board as provided by K.S.A. 22-3717, and amend-
ments thereto. Any violation of the conditions of such postrelease super-
vision may subject such person to revocation of postrelease supervision
pursuant to K.S.A. 75-5217 et seq., and amendments thereto and as other-
wise provided by law.

(3) In addition, for any conviction pursuant to subsection (b)(1)(C),
(b)(1)(D) or (b)(1)(E), at the time of the filing of the judgment form or
journal entry as required by K.S.A. 22-3426 or section 280 of chapter 136
of the 2010 Session Laws of Kansas, and amendments thereto, the court
shall cause a certified copy to be sent to the officer having the offender in
charge. The court shall determine whether the offender, upon release from
imprisonment, shall be supervised by community correctional services or
court services based upon the risk and needs of the offender. The risk and
needs of the offender shall be determined by use of a risk assessment tool
specified by the Kansas sentencing commission. The law enforce-
ment agency maintaining custody and control of a defendant for imprison-
ment shall cause a certified copy of the judgment form or journal entry to be
sent to the supervision office designated by the court and upon expiration
of the term of imprisonment shall deliver the defendant to a location des-
ignated by the supervision office designated by the court. After the term of
imprisonment imposed by the court, the person shall be placed on super-
vision to community correctional services or court services, as determined
by the court, for a mandatory one-year period of supervision, which such
period of supervision shall not be reduced. During such supervision, the
person shall be required to participate in a multidisciplinary model of serv-
ices for substance use disorders facilitated by a department of social and
rehabilitation services designated care coordination agency to include as-
essment and, if appropriate, referral to a community based substance use
disorder treatment including recovery management and mental health
counseling as needed. The multidisciplinary team shall include the desig-
nated care coordination agency, the supervision officer, the social and re-
habilitation services department designated treatment provider and the of-
fender. Any violation of the conditions of such supervision may subject such
person to revocation of supervision and imprisonment in jail for the re-
mainder of the period of imprisonment, the remainder of the supervision
period, or any combination or portion thereof.

(4) In addition, prior to sentencing for any conviction, the court shall
order the person to participate in an alcohol and drug evaluation conducted
by a provider in accordance with K.S.A. 8-1008, and amendments thereto.
The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person’s punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g)(1) Except as provided in paragraph (5), in addition to any other penalty which may be imposed upon a first conviction of a violation of this section, the court may order that the convicted person’s motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.

(2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.

(3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:

(A) Whether the impoundment or immobilization of the motor vehicle
would result in the loss of employment by the convicted person or a member of such person’s family; and

(B) whether the ability of the convicted person or a member of such person’s family to attend school or obtain medical care would be impaired.

(4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(5) As used in this subsection, the convicted person’s motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person’s motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(p)(l) Except as provided in paragraph (3), in addition to any other penalty which may be imposed upon a second or subsequent conviction of a violation of this section, the court shall order that each motor vehicle owned or leased by the convicted person shall either be equipped with an ignition interlock device or be impounded or immobilized for a period of two years. The convicted person shall pay all costs associated with the installation, maintenance and removal of the ignition interlock device and all towing, impoundment and storage fees or other immobilization costs.

(2) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(3) As used in this subsection, the convicted person’s motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person’s motor vehicle subject to impoundment or immobilization expires in less than two years from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(n)(h) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state:

(2) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the, and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(i) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

1. "Conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

2. "Conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

3. any convictions occurring during a person’s lifetime only convictions occurring on or after July 1, 2001, shall be taken into account when determining the sentence to be imposed for a first, second, third, fourth or subsequent offender;

4. it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

5. a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person’s lifetime.

Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof. Except as specifically provided by this subsection,

2. The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

3. On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

4. Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered
loss due to the violation for which the person was convicted. Except as provided in paragraph (5).

(5) Any such ordinance or resolution may require or authorize the court to order that the convicted person’s motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs in accordance with subsection (g).

(2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.

(3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:

(A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person’s family; and

(B) whether the ability of the convicted person or a member of such person’s family to attend school or obtain medical care would be impaired.

(4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(5) As used in this subsection, the convicted person’s motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person’s motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(6) (m) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state;

(2) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(7) (n) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(8) (n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of
permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(o) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.

(p) Upon a fourth or subsequent conviction, the judge of any court in which any person is convicted of violating this section, may revoke the person’s license plate or temporary registration certificate of the motor vehicle driven during the violation of this section for a period of one year. Upon revoking any license plate or temporary registration certificate pursuant to this subsection, the court shall require that such license plate or temporary registration certificate be surrendered to the court.

(q) For the purpose of As used in this section: (1) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) “drug” includes toxic vapors as such term is defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.

(r) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(2) On and after July 1, 2011, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by section 3, and amendments thereto.

(s) Upon every conviction of a violation of this section, the court shall order such person to submit to a pre sentence alcohol and drug abuse evaluation pursuant to K.S.A. 8-1008, and amendments thereto. Such pre sen-
sentence evaluation shall be made available, and shall be considered by the
sentencing court.

Sec. 20. K.S.A. 2010 Supp. 12-4106 is hereby amended to read as
follows: 12-4106. (a) The municipal judge shall have the power to admin-
ister the oaths and enforce all orders, rules and judgments made by such
municipal judge, and may fine or imprison for contempt in the same manner
and to the same extent as a judge of the district court.

(b) The municipal judge shall have the power to hear and determine
all cases properly brought before such municipal judge to: Grant continu-
ances; sentence those found guilty to a fine or confinement in jail, or both;
commit accused persons to jail in default of bond; determine applications
for parole; release on probation; grant time in which a fine may be paid;
correct a sentence; suspend imposition of a sentence; set aside a judgment;
permit time for post trial motions; and discharge accused persons.

(c) The municipal judge shall maintain a docket in which every cause
commenced before such municipal judge shall be entered. Such docket shall
contain the names of the accused persons and complainant, the nature or
character of the offense, the date of trial, the names of all witnesses sworn
and examined, the finding of the court, the judgment and sentence, the date
of payment, the date of issuing commitment, if any, and every other fact
necessary to show the full proceedings in each case.

(d) The municipal judge shall promptly make such reports and furnish
the information requested by any departmental justice or the judicial ad-
ministrator, in the manner and form prescribed by the supreme court.

(e) The municipal judge shall ensure that information concerning dis-
positions of city ordinance violations that result in convictions comparable
to convictions for class A and B misdemeanors under Kansas criminal stat-
tutes is forwarded to the Kansas bureau of investigation central repository.
This information shall be transmitted, on a form or in a format approved
by the attorney general, within 30 days of final disposition.

(f) In all cases alleging a violation of a city ordinance prohibiting the
acts prohibited by K.S.A. 8-1567, and amendments thereto, the municipal
court judge shall ensure that information concerning persons arrested or
charged with a violation of a city ordinance prohibiting the acts prohibited
by K.S.A. 8-1567, and amendments thereto, is forwarded to the Kansas
bureau of investigation central repository. The municipal court reports the
filing and disposition of such case to the Kansas bureau of investigation
central repository, and, on and after July 1, 2013, reports the filing and
disposition of such case electronically to the Kansas bureau of investigation
central repository.

Sec. 21. K.S.A. 12-4414 is hereby amended to read as follows: 12-
4414. (a) Except as provided in K.S.A. 8-1567, and amendments thereto,
after a complaint has been filed charging a defendant with violation of an
alcohol or drug related offense and prior to conviction thereof, and after
the city attorney has considered the factors listed in K.S.A. 12-4415, and amendments thereto, if it appears to the city attorney that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the city attorney may propose a diversion agreement to the defendant. The terms of each diversion agreement shall be established by the city attorney in accordance with K.S.A. 12-4416, and amendments thereto.

(b) Each city attorney shall adopt written policies and guidelines for the implementation of a diversion program in accordance with K.S.A. 8-1009, and 12-4412 to 12-4417 and 22-3609, inclusive, and amendments thereto. Such policies and guidelines shall provide for a diversion conference and other procedures in those cases where the city attorney elects to offer diversion in lieu of further criminal proceedings on the complaint.

(c) Each defendant shall be informed in writing of the diversion program and the policies and guidelines adopted by the city attorney. The city attorney may require any defendant requesting diversion to provide information regarding prior criminal charges, education, work experience and training, family, residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program. In all cases, the defendant shall be present and shall have the right to be represented by counsel at the diversion conference with the city attorney.

Sec. 22. K.S.A. 12-4415 is hereby amended to read as follows: 12-4415. (a) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the city attorney shall consider at least the following factors among all factors considered:

1. The nature of the crime charged and the circumstances surrounding it;
2. any special characteristics or circumstances of the defendant;
3. whether the defendant is a first-time offender of an alcohol related offense and if the defendant has previously participated in diversion, according to the certification of the division of vehicles of the state department of revenue;
4. whether there is a probability that the defendant will cooperate with and benefit from diversion;
5. whether the available diversion program is appropriate to the needs of the defendant;
6. the impact of the diversion of the defendant upon the community;
7. recommendations, if any, of the involved law enforcement agency;
8. recommendations, if any, of the victim;
9. provisions for restitution; and
10. any mitigating circumstances.

(b) A city attorney shall not enter into a diversion agreement in lieu of
further criminal proceedings on a complaint alleging an alcohol related offense if the defendant:

1. Has previously participated in diversion of an alcohol related offense;
2. Has previously been convicted of or pleaded nolo contendere to an alcohol related offense in this state or has previously been convicted of or pleaded nolo contendere to a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto or of a law of another state, or of a political subdivision thereof, which prohibits the acts prohibited by that statute those statutes; or
3. During the time of the alleged alcohol related offense was involved in a motor vehicle accident or collision resulting in personal injury or death.

Sec. 23. K.S.A. 12-4416 is hereby amended to read as follows: 12-4416. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the city attorney, the city attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to counsel, a speedy arraignment, a speedy trial, and the right to trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. The diversion agreement shall state:

1. The defendant’s full name;
2. The defendant’s full name at the time the complaint was filed, if different from the defendant’s current name;
3. The defendant’s sex, race and date of birth;
4. The crime with which the defendant is charged;
5. The date the complaint was filed; and
6. The municipal court with which the agreement is filed.

(b) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging an alcohol related offense, the diversion agreement shall include a stipulation, agreed to by the defendant and the city attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:

1. Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first
offense or, in lieu of payment of the fine, perform community service specified by the agreement, consonant with K.S.A. 8-1567, and amendments thereto; and

(2) enroll in and successfully complete an alcohol and drug safety action program or a treatment program, or both, as provided in K.S.A. 8-1008, and amendments thereto, and specified by the agreement, and pay the assessment required by K.S.A. 8-1008, and amendments thereto: participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.

(c) If the person entering into a diversion agreement is a nonresident, the city attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person’s state of residence.

(d) If the city attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the municipal court and the municipal court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the municipal court shall resume the criminal proceedings on the complaint.

(e) The city attorney shall forward to the division of vehicles of the state department of revenue a copy of the diversion agreement at the time such agreement is filed with the municipal court. The copy of the agreement shall be made available upon request to any county, district or city attorney or court.

Sec. 24. K.S.A. 2010 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsection (b) er, (c) and (d), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or
(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsection (b) er, (c) and (d), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its re-
peal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

(4) a violation of the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto;

(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, and amendments thereto prior to its repeal.

c (c) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567, and amendments thereto.

(d) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto.

(e) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state: (1) The defendant’s full name;

(2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant’s current name;

(3) the defendant’s sex, race and date of birth;

(4) the crime for which the defendant was arrested, convicted or diverted;

(5) the date of the defendant’s arrest, conviction or diversion; and

(6) the identity of the convicting court, arresting law enforcement agency or diverting authority. A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(f) At the hearing on the petition, the court shall order the peti-
tioner’s arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner’s qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner’s qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner’s qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;
(F) upon application for a commercial driver’s license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner’s qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner’s qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner’s qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

(4) (h) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(4) (i) Subject to the disclosures required pursuant to subsection (4) (g), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

(4) (j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is
being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

(14) the Kansas sentencing commission;

(15) the Kansas commission on peace officers’ standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 25. K.S.A. 2010 Supp. 12-4517 is hereby amended to read as follows: 12-4517. (a) (1) The municipal court judge shall ensure that all persons convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in K.S.A. 21-3408 subsection (a) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, under a Kansas criminal statute are fingerprinted and processed.

(2) The municipal court judge shall ensure that all persons arrested or charged with a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567, and amendments thereto, are fingerprinted and processed at the time of booking or first appearance, whichever occurs first.

(b) The municipal court judge shall order the individual to be fingerprinted at an appropriate location as determined by the municipal court judge. Failure of the person to be fingerprinted after court order issued by the municipal judge shall constitute contempt of court. To reimburse the city or other entity for costs associated with fingerprinting, the municipal court judge may assess reasonable court costs, in addition to other court costs imposed by the state or municipality.

Sec. 26. K.S.A. 2010 Supp. 22-2909 is hereby amended to read as follows: 22-2909. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the attorney general or county or district attorney, such attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to a speedy arraignment, preliminary examinations and hearings, and a
speedy trial, and in the case of diversion under subsection (c) waiver of the rights to counsel and trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. If a county creates a local fund under the property crime restitution and compensation act, a county or district attorney may require in all diversion agreements as a condition of diversion the payment of a diversion fee in an amount not to exceed $100. Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the local board under the property crime restitution and victims compensation act.

(b) The diversion agreement shall state: (1) The defendant’s full name; (2) the defendant’s full name at the time the complaint was filed, if different from the defendant’s current name; (3) the defendant’s sex, race and date of birth; (4) the crime with which the defendant is charged; (5) the date the complaint was filed; and (6) the district court with which the agreement is filed.

(c) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, the diversion agreement shall include a stipulation, agreed to by the defendant, the defendant’s attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:

(1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, in accordance with K.S.A. 8-1567, and amendments thereto; and

(2) [omitted for brevity]

(d) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a domestic violence offense, as defined in K.S.A. 21-3110, as amended by section 5 of chapter 101 of the 2010
Session Laws of Kansas, and amendments thereto, the diversion agreement shall include a requirement that the defendant undergo a domestic violence offender assessment and follow all recommendations unless otherwise agreed to with the prosecutor in the diversion agreement. The defendant shall be required to pay for such assessment and, unless otherwise agreed to with the prosecutor in the diversion agreement, for completion of all recommendations.

(d) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation other than K.S.A. 8-1567, and amendments thereto, the diversion agreement may include a stipulation, agreed to by the defendant, the defendant’s attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint.

(e) If the person entering into a diversion agreement is a nonresident, the attorney general or county or district attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person’s state of residence.

(f) If the attorney general or county or district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the district court and the district court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the district court shall resume the criminal proceedings on the complaint.

(g) Except as provided in subsection (h), if a diversion agreement is entered into in lieu of further criminal proceedings alleging commission of a misdemeanor by the defendant, while under 21 years of age, under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments thereto, the agreement shall require the defendant to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the attorney general or county or district attorney finds that the defendant is indigent, the fee may be waived and the defendant shall participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.

(h) If the defendant is 18 or more years of age but less than 21 years of age and allegedly committed a violation of K.S.A. 41-727, and amend-
ments thereto, involving cereal malt beverage, the provisions of subsection (g) are permissive and not mandatory.

(j) Except diversion agreements reported under subsection (j), the attorney general or county or district attorney shall forward to the Kansas bureau of investigation a copy of the diversion agreement at the time such agreement is filed with the district court. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

(k) At the time of filing the diversion agreement with the district court, the attorney general or county or district attorney shall forward to the division of vehicles of the state department of revenue a copy of any diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

Sec. 27. K.S.A. 22-4704 is hereby amended to read as follows: 22-4704. (a) In accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto, the director shall adopt appropriate rules and regulations for agencies in the executive branch of government and for criminal justice agencies other than those that are part of the judicial branch of government to implement the provisions of this act.

(b) The director shall develop procedures to permit and encourage the transfer of criminal history record information among and between courts and affected agencies in the executive branch, and especially between courts and the central repository.

(c) The rules and regulations adopted by the director shall include those: (1) Governing the collection, reporting, and dissemination of criminal history record information by criminal justice agencies;

(2) necessary to insure the security of all criminal history record information reported, collected and disseminated by and through the criminal justice information system;

(3) necessary for the coordination of all criminal justice data and information processing activities as they relate to criminal history record information;

(4) governing the dissemination of criminal history record information;

(5) governing the procedures for inspection and challenging of criminal history record information;

(6) governing the auditing of criminal justice agencies to insure that criminal history record information is accurate and complete and that it is collected, reported, and disseminated in accordance with this act;

(7) governing the development and content of agreements between the central repository and criminal justice and noncriminal justice agencies;

(8) governing the exercise of the rights of inspection and challenge provided in this act.
(d) The rules and regulations adopted by the director shall not include any provision that allows the charging of a fee for information requests for the purpose of participating in a block parent program, including but not limited to, the McGruff house program.

(e) Rules and regulations adopted by the director may not be inconsistent with the provisions of this act.

(f) (1) On or before July 1, 2012, the director shall adopt rules and regulations requiring district courts to report the filing of all cases alleging a violation of K.S.A. 8-1567, and amendments thereto, to the central repository.

(2) On or before July 1, 2013, the director shall adopt rules and regulations requiring district courts to electronically report all case filings for violations of K.S.A. 8-1567, and amendments thereto, to the central repository.

Sec. 28. K.S.A. 22-4705 is hereby amended to read as follows: 22-4705. (a) The following events are reportable events under this act:

1. Issuance of an arrest warrant;
2. an arrest;
3. release of a person after arrest without the filing of a charge;
4. the filing of a charge;
5. dismissal or quashing of an indictment or criminal information;
6. an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;
7. imposition of a sentence;
8. commitment to a correctional facility, whether state or locally operated;
9. release from detention or confinement;
10. an escape from confinement;
11. a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;
12. judgment of an appellate court that modifies or reverses the lower court decision;
13. order of a court in a collateral proceeding that affects a person’s conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; and
14. any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.

(b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information. The central repository shall be operated by the Kansas bureau of investigation under the administrative control of the director.

(c) Except as otherwise provided by this subsection, every criminal
justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this act. A criminal justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only when required by rules and regulations adopted by the director.

(d) Reporting methods may include:

(1) Submittal of criminal history record information by a criminal justice agency directly to the central repository;

(2) if the information can readily be collected and reported through the court system, submittal to the central repository by the administrative office of the courts; or

(3) if the information can readily be collected and reported through criminal justice agencies that are part of a geographically based information system, submittal to the central repository by the agencies.

(e) Nothing in this section shall prevent a criminal justice agency from maintaining more detailed information than is required to be reported to the central repository. However, the dissemination of that criminal history record information is governed by the provisions of this act.

(f) The director may determine, by rule and regulation, the reportable events to be reported by each criminal justice agency, in order to avoid duplication in reporting.

Sec. 29. K.S.A. 2010 Supp. 28-176 is hereby amended to read as follows: 28-176. (a) The court shall order any person convicted or diverted, or adjudicated or diverted under a preadjudication program pursuant to K.S.A. 22-2906 et seq., K.S.A. 2010 Supp. 38-2346 et seq., or 12-4414, and amendments thereto, of a misdemeanor or felony contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, and amendments thereto, or a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or a violation of a municipal ordinance or county resolution prohibiting the acts prohibited by such statutes, unless the municipality or county has an agreement with the laboratory providing services that sets a restitution amount to pay a separate court cost of $400 for every individual offense if forensic science or laboratory services or forensic computer examination services are provided, in connection with the investigation, by:

(1) The Kansas bureau of investigation;
(2) the Sedgwick county regional forensic science center;
(3) the Johnson county sheriff’s laboratory;
(4) the heart of America regional computer forensics laboratory; or
(5) the Wichita-Sedgwick county computer forensics crimes unit.

(b) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

(c) The court shall not lessen or waive such fees unless the court has
determined such person is indigent and the basis for the court’s determination is reflected in the court’s order.

(d) Such fees shall be deposited into the designated fund of the laboratory or forensic science or computer center that provided such services. Fees for services provided by:

1. The Kansas bureau of investigation shall be deposited in the Kansas bureau of investigation forensic laboratory and materials fee fund;
2. The Sedgwick county regional forensic science center shall be deposited in the Sedgwick county general fund;
3. The Johnson county sheriff’s laboratory shall be deposited in the Johnson county sheriff’s laboratory analysis fee fund;
4. The heart of America regional computer forensics laboratory shall be deposited in the general treasury account maintained by such laboratory; and
5. The Wichita-Sedgwick county computer forensic crimes unit shall be retained by the Sedgwick county sheriff. All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff’s office.

(e) Disbursements from the funds and accounts described in subsection (d) shall be made for the following:

1. Forensic science or laboratory services;
2. Forensic computer examination services;
3. Purchase and maintenance of laboratory equipment and supplies;
4. Education, training and scientific development of personnel; and
5. From the Kansas bureau of investigation forensic laboratory and materials fee fund, the destruction of seized property and chemicals as described in K.S.A. 22-2512 and 60-4117, and amendments thereto.

Sec. 30. K.S.A. 2010 Supp. 60-427 is hereby amended to read as follows: 60-427. (a) As used in this section:

1. “Patient” means a person who, for the sole purpose of securing preventive, palliative, or curative treatment, or a diagnosis preliminary to such treatment, of such person’s physical or mental condition, consults a physician, or submits to an examination by a physician.
2. “Physician” means a person licensed or reasonably believed by the patient to be licensed to practice medicine or one of the healing arts as defined in K.S.A. 65-2802, and amendments thereto, in the state or jurisdiction in which the consultation or examination takes place.
3. “Holder of the privilege” means the patient while alive and not under guardianship or conservatorship or the guardian or conservator of the patient, or the personal representative of a deceased patient.
4. “Confidential communication between physician and patient” means such information transmitted between physician and patient, including information obtained by an examination of the patient, as is transmitted in confidence and by a means which, so far as the patient is aware, discloses
the information to no third persons other than those reasonably necessary for the transmission of the information or the accomplishment of the purpose for which it is transmitted.

(b) Except as provided by subsections (c), (d), (e) and (f), a person, whether or not a party, has a privilege in a civil action or in a prosecution for a misdemeanor, other than a prosecution for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto or an ordinance, or a city ordinance or county resolution which prohibits the acts prohibited by those statutes, to refuse to disclose, and to prevent a witness from disclosing, a communication, if the person claims the privilege and the judge finds that: (1) The communication was a confidential communication between patient and physician; (2) the patient or the physician reasonably believed the communication necessary or helpful to enable the physician to make a diagnosis of the condition of the patient or to prescribe or render treatment therefor; (3) the witness (i) is the holder of the privilege, (ii) at the time of the communication was the physician or a person to whom disclosure was made because reasonably necessary for the transmission of the communication or for the accomplishment of the purpose for which it was transmitted or (iii) is any other person who obtained knowledge or possession of the communication as the result of an intentional breach of the physician’s duty of nondisclosure by the physician or the physician’s agent or servant; and (4) the claimant is the holder of the privilege or a person authorized to claim the privilege for the holder of the privilege.

(c) There is no privilege under this section as to any relevant communication between the patient and the patient’s physician: (1) Upon an issue of the patient’s condition in an action to commit the patient or otherwise place the patient under the control of another or others because of alleged incapacity or mental illness, in an action in which the patient seeks to establish the patient’s competence or in an action to recover damages on account of conduct of the patient which constitutes a criminal offense other than a misdemeanor; (2) upon an issue as to the validity of a document as a will of the patient; or (3) upon an issue between parties claiming by testate or intestate succession from a deceased patient.

(d) There is no privilege under this section in an action in which the condition of the patient is an element or factor of the claim or defense of the patient or of any party claiming through or under the patient or claiming as a beneficiary of the patient through a contract to which the patient is or was a party.

(e) There is no privilege under this section: (1) As to blood drawn at the request of a law enforcement officer pursuant to K.S.A. 8-1001, and amendments thereto; and (2) as to information which the physician or the patient is required to report to a public official or as to information required to be recorded in a public office, unless the statute requiring the report or record specifically provides that the information shall not be disclosed.

(f) No person has a privilege under this section if the judge finds that
sufficient evidence, aside from the communication has been introduced to warrant a finding that the services of the physician were sought or obtained to enable or aid anyone to commit or to plan to commit a crime or a tort, or to escape detection or apprehension after the commission of a crime or a tort.

(g) A privilege under this section as to a communication is terminated if the judge finds that any person while a holder of the privilege has caused the physician or any agent or servant of the physician to testify in any action to any matter of which the physician or the physician’s agent or servant gained knowledge through the communication.

(h) Providing false information to a physician for the purpose of obtaining a prescription-only drug shall not be a confidential communication between physician and patient and no person shall have a privilege in any prosecution for unlawfully obtaining or distributing a prescription-only drug under K.S.A. 2010 Supp. 21-36a08, and amendments thereto.

Sec. 31. K.S.A. 2010 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 74-2022, and amendments thereto.

(2) For the purpose of this section, “motor vehicle records” means any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which relate to the physical or mental condition of any person, have been expunged or are photographs or digital images maintained in connection with the issuance of drivers’ licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers’ licenses may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person’s eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits
any acts prohibited by K.S.A. 8-1567, and amendments thereto; those statutes;
(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;
(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or
(4) an employer when a person is required to retain a commercial driver’s license due to the nature of such person’s employment.
(c) Lists of persons’ names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2010 Supp. 45-230, and amendments thereto, except that:
(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:
(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:
(i) Have safety-related defects,
(ii) fail to comply with emission standards; or
(iii) have any defect to be remedied at the expense of the manufacturer;
(B) assisting an insurer authorized to do business in this state, or the insurer’s authorized agent:
(i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or
(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: drivers license number, license type, date of birth, name, address, issue date and expiration date;
(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;
(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed;
(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners;
(F) assisting businesses in producing motor vehicle title or motor ve-
vehicle registration, or both, statistical reports, so long as personal information
is not published, redisclosed or used to contact individuals; or

(G) assisting an employer or an employer’s authorized agent in monitoring the driving record of the employees required to drive in the course of employment to ensure driver behavior, performance or safety.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer’s authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the $1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary’s agents or employees, the director of vehicles or the director’s agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than $2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), $1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 32. K.S.A. 2010 Supp. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:
(a) “Allowance expense” means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. Such term includes a total charge not in excess of $5,000 for expenses in any way related to funeral, cremation or burial; but such term shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. Such term includes a total charge not in excess of $1,000 for expenses in any way related to crime scene cleanup.

(b) “Board” means the crime victims compensation board established under K.S.A. 74-7303, and amendments thereto.

(c) “Claimant” means any of the following persons claiming compensation under this act: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.

(d) “Collateral source” means a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

1. The offender;
2. the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;
3. social security, medicare and medicaid;
4. state-required temporary nonoccupational disability insurance;
5. workers’ compensation;
6. wage continuation programs of any employer;
7. proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct; or
8. a contract providing prepaid hospital and other health care services or benefits for disability.

(e) “Criminally injurious conduct” means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:

1. The crimes would be compensable had it occurred in the state of Kansas; and
2. the places the crimes occurred are states, possessions or territories
of the United States of America not having eligible crime victim compensation programs;

(B) poses a substantial threat or personal injury or death; and

(C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or

(2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

Such term shall not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or violations of municipal ordinances or county resolutions prohibiting the acts prohibited by those statutes, or violations of K.S.A. 8-1602, and amendments thereto, K.S.A. 21-3404, 21-3405 and 21-3414, prior to their repeal, or sections 40, 41 and subsection (b) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or when such conduct was intended to cause personal injury or death.

(f) ‘‘Dependent’’ means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim’s death.

(g) ‘‘Dependent’s economic loss’’ means loss after decedent’s death of contributions of things of economic value to the decedent’s dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent’s death.

(h) ‘‘Dependent’s replacement services loss’’ means loss reasonably incurred by dependents after decedent’s death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent’s death and not subtracted in calculating dependent’s economic loss.

(i) ‘‘Economic loss’’ means economic detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, dependent’s economic loss and dependent’s replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(j) ‘‘Noneconomic detriment’’ means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.

(k) ‘‘Replacement services loss’’ means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured
person would have performed, not for income, but for the benefit of self or family, if such person had not been injured.

(i) “Work loss” means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(m) “Victim” means a person who suffers personal injury or death as a result of: (1) Criminally injurious conduct; (2) the good faith effort of any person to prevent criminally injurious conduct; or (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.

(n) “Crime scene cleanup” means removal of blood, stains, odors or other debris caused by the crime or the processing of the crime scene.

Sec. 33. K.S.A. 2010 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

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

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

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

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

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

(E) on and after January 1, 2011, for offenders who are expected to be subject to supervision in Kansas, who are determined to be “high risk or needs, or both” by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

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

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, prior to its repeal, or section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(H) who has been placed in community correctional services programs for supervision by the court pursuant to K.S.A. 8-1567, and amendments thereto.

(3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before January 1, 2011, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on January 1, 2011.

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the
(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

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

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

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary’s designee, shall routinely examine and report to the secretary on the following issues:
   (A) Efficiencies in the delivery of field supervision services;
   (B) effectiveness and enhancement of existing interventions;
   (C) identification of new interventions; and
   (D) statewide performance indicators.

(5) The committee’s report concerning enhanced or new interventions shall address:
   (A) Goals and measurable objectives;
   (B) projected costs;
   (C) the impact on public safety; and
   (D) the evaluation process.

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

Sec. 34. Section 14 of chapter 136 of the 2010 Session Laws of Kansas, is hereby amended to read as follows: Sec. 14. A person may be guilty of a crime without having a culpable mental state if the crime is:

(a) A misdemeanor, cigarette or tobacco infraction or traffic infraction and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;
(b) a felony and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;

(c) a violation of K.S.A. 8-1567 or 8-1567a, and amendments thereto;

(d) a violation of K.S.A. 8-2,144, and amendments thereto; or

(e) a violation of K.S.A. 22-4901 et seq., and amendments thereto.

Sec. 35. Section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339, is hereby amended to read as follows:

Sec. 254. (a) (1) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or

(B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) and (c), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c) subsections (c) and (d), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;
(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.

(d) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal,
or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) endangering a child or aggravated endangering a child as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(10) capital murder as defined in K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(11) murder in the first degree as defined in K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(12) murder in the second degree as defined in K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(17) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant’s full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant’s current name;

(C) defendant’s sex, race and date of birth;
(D) crime for which the defendant was arrested, convicted or diverted;
(E) date of the defendant’s arrest, conviction or diversion; and
(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100. On and after April 15, 2010 through June 30, 2011, the supreme court may impose a charge, not to exceed $15 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(e) At the hearing on the petition, the court shall order the petitioner’s arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
(2) the circumstances and behavior of the petitioner warrant the expungement;
(3) the expungement is consistent with the public welfare.

(f) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;
(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments
(A) as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner’s qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner’s qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner’s qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver’s license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner’s qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner’s qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner’s qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of cor-
ctions may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(i) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

1. The person whose record was expunged;
2. a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
4. the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
5. a person entitled to such information pursuant to the terms of the expungement order;
6. a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
7. the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers’ standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.

Sec. 36. K.S.A. 8-285, 8-285, as amended by section 89 of 2011 House
Bill No. 2339, 8-1008, 8-1009, 8-1017, 12-4416, 22-4704 and 22-4705 and K.S.A. 2009 Supp. 8-1567, as amended by section 95 of 2011 House Bill No. 2339 and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-235, 8-262, as amended by section 88 of 2011 House Bill No. 2339, 8-2,142, 8-2,144, 8-2,144, as amended by section 91 of 2011 House Bill No. 2339, 8-1001, 8-1012, 8-1013, 8-1013, as amended by section 92 of 2011 House Bill No. 2339, 8-1014, 8-1015, 8-1020, 8-1020a, 8-1022, 8-1567, 12-4106, 12-4414, 12-4415, 12-4516, 12-4516, as amended by section 102 of 2011 House Bill No. 2339, 12-4517, 12-4517, as amended by section 103 of 2011 House Bill No. 2339, 22-2909, 28-176, 60-427, 74-2012, 74-7301, 74-7301, as amended by section 255 of 2011 House Bill No. 2339, 75-5291 and 75-5291, as amended by section 280 of 2011 House Bill No. 2339 and section 14 of chapter 136 of the 2010 Session Laws of Kansas and section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339 are hereby repealed.

Sec. 37. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 25, 2011.

CHAPTER 106
SENATE BILL No. 21

AN ACT concerning school districts; relating to school finance; enacting the Kansas uniform financial accounting and reporting act; relating to transportation of pupils; amending K.S.A. 2010 Supp. 72-6441, 72-6449, 72-6451 and 72-8254 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for
each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district’s claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that:
   (A) Commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local option budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2010 Supp. 72-6415b, and amendments thereto; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall: (1) Determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year; and (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may...
levy a tax under authority of this subsection; and (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection; and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the district under authority of subsection (a), the state board shall include any moneys which have been apportioned to the ancillary facilities fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 2. K.S.A. 2010 Supp. 72-6449 is hereby amended to read as follows: 72-6449. (a) As used in this section, “school district” or “district” means a school district authorized to make a levy under this section.

(b) The board of education of any district may levy a tax on the taxable tangible property within the district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost of living weighting to the enrollment of the district. There is hereby established in every school district a fund which shall be called the cost of living fund, which fund shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost of living fund. The proceeds from the tax levied by a district credited to the cost of living fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(c) The state board of education shall determine whether a district may levy a tax under this section as follows:

(1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;

(2) multiply the amount determined under (1) by 1.25;

(3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and

(4) (A) subtract the amount determined under (2) from the amount determined under (3). If the amount determined for the district under this
paragraph is a positive number and the district is authorized to adopt and has adopted a local option budget in an amount equal to at least 31% of the state financial aid for the school district, the district qualifies for assignment of cost of living weighting and may levy a tax on the taxable tangible property of the district for the purpose of financing the costs that are attributable directly to assignment of the cost of living weighting to enrollment of the district; or

(B) as an alternative to the authority provided in paragraph (4)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to levy such tax at a rate necessary to generate revenue in the same amount generated in school year 2006-2007 if: (i) The amount determined under paragraph (4)(A) is a positive number; and (ii) the district continues to adopt a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(d) No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a newspaper having general circulation in the district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

Unified School District No. __________, __________ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an ad valorem tax in an amount not to exceed the amount necessary to finance the costs attributable directly to the assignment of cost of living weighting to the enrollment of the district. The ad valorem tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. __________, __________ County, Kansas, on the ______ day of ________, (year) ________.

Clerk of the board of education.

All of the blanks in the resolution shall be filled. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned.
and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

(e) In determining the amount produced by the tax levied by the district under the authority of this section, the state board shall include any moneys which have been apportioned to the cost of living fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

Sec. 3. K.S.A. 2010 Supp. 72-6451 is hereby amended to read as follows: 72-6451. (a) As used in this section:

1. "School district" or "district" means a school district which: (A) Has a declining enrollment; and (B) has adopted a local option budget in an amount which equals at least 31% of the state financial aid for the school district at the time the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

2. "Declining enrollment" means an enrollment which has declined in amount from that of the preceding school year.

(b) (1) (A) A school district may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of declining enrollment weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the amount of revenues lost as a result of the declining enrollment of the district. Such amount shall not exceed 5% of the general fund budget of the district in the school year in which the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

(B) As an alternative to the authority provided in paragraph (1)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to make a levy at a rate necessary to generate revenue in the same amount that was generated in school year 2007-2008 if the district adopts a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(2) The state court of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this section.

(3) The state board shall prescribe guidelines for the data that school
districts shall include in cases before the state court of tax appeals pursuant to this section.

(c) A district may levy the tax authorized pursuant to this section for a period of time not to exceed two years unless authority to make such levy is renewed by the state court of tax appeals. The state court of tax appeals may renew the authority to make such levy for periods of time not to exceed two years.

(d) The state board shall provide to the state court of tax appeals such school data and information requested by the state court of tax appeals and any other information deemed necessary by the state board.

(e) There is hereby established in every district a fund which shall be called the declining enrollment fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a district under authority of this section shall be credited to the declining enrollment fund of the district. The proceeds from the tax levied by a district credited to the declining enrollment fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(f) In determining the amount produced by the tax levied by the district under authority of this section, the state board shall include any moneys which have been apportioned to the declining enrollment fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

Sec. 4. K.S.A. 2010 Supp. 72-8254 is hereby amended to read as follows: 72-8254. In order to achieve uniform reporting of expenditures by school districts in school district budgets, districts shall report expenditures in the manner required by the state board.

(a) This section shall be known and may be cited as the Kansas uniform financial accounting and reporting act.
(b) As used in this section:
   (1) ‘‘Reporting system’’ means the uniform reporting system, including a uniform chart of accounts, developed by the state board as required by this section.
   (2) ‘‘School district’’ means any school district in the state.
   (3) ‘‘State board’’ means the state board of education.
   (c) The state board shall develop and maintain a uniform reporting system for the receipts and expenditures of school districts. The accounting records maintained by each school district shall be coordinated with the uniform reporting system. Each school district shall record the receipts and expenditures of the district in accordance with a uniform classification of accounts or chart of accounts and reports as shall be prescribed by the state board. Each school district shall submit such reports and statements
as may be required by the state board. The state board shall design, revise and direct the use of accounting records and fiscal procedures and prescribe uniform classifications for receipts and expenditures for all school districts. The reporting system shall include all funds held by a school district regardless of the source of the moneys held in such funds, including, but not limited to, all funds funded by fees or other sources of revenue not derived from tax levies. The state board shall prescribe the necessary forms to be used by school districts in connection with such uniform reporting system.

(d) The reporting system developed by the state board shall be developed in such a manner that allows school districts to record and report any information required by state or federal law.

(e) The reporting system shall provide records showing by funds, accounts and other pertinent classifications, the amounts appropriated, the estimated revenues, actual revenues or receipts, the amounts available for expenditure, the total expenditures, the unencumbered cash balances, excluding state aid receivable, actual balances on hand and the unencumbered balances of allotments or appropriations for each school district.

(f) The reporting system shall allow a person to search the data and allow for the comparison of data by school district.

(g) Each school district shall annually submit a report to the state board on all construction activity undertaken by the school district which was financed by the issuance of bonds and which such bonds have not matured. Such report shall include all revenue receipts, all expenditures of bond proceeds authorized by law, the dates for commencement and completion of such construction activity, the estimated cost and the actual cost of such construction activity. The information provided in the report shall be in a form so as to readily identify such information with a specific construction project. Such report shall be submitted in a form and manner prescribed by the state board in accordance with the provisions of this section.

(h) From and after July 1, 2012, the board of education of each school district shall record and report the receipts and expenditures of the district in the manner prescribed by the state board in accordance with this section.

(i) Each school district shall annually publish on such district’s internet website a copy of form 150, estimated legal maximum general fund budget, or any successor document containing the same or similar information, that was submitted by such district to the state board of education for the immediately preceding school year. A copy of such document shall also be annually published by the department of education on its internet website. Publications pursuant to this subsection shall be conducted in such manner as to make the document readily accessible to the public.

(j) The department of education shall annually publish on its internet website the following expenditures for each school district on a per pupil basis: (1) Total expenditures; (2) capital outlay expenditures; (3) bond and
New Sec. 5. (a) The board of education of Fort Leavenworth, U.S.D. No. 207 may provide transportation for any pupil in grades 10 through 12 who resides on Fort Leavenworth military reservation, but who is enrolled in and attends high school in Leavenworth, U.S.D. No. 453.

(b) Solely for the purpose of computation of transportation weighting, as provided by this section, any pupil provided transportation pursuant to this section shall be counted as regularly enrolled in and attending school in U.S.D. No. 207 on September 20 of the current school year.

Sec. 6. K.S.A. 2010 Supp. 72-6441, 72-6449, 72-6451 and 72-8254 are hereby repealed.

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

Approved May 25, 2011.
operating expenses of the district out of the general fund as approved by
the board of education of such district.

The board of education of a school district shall consider the use of such
funds in the following order of priority:

1. At-risk education fund, bilingual education fund, contingency re-
serve fund, driver training fund, parent education program fund, preschool-
aged at-risk education fund, professional development fund, summer pro-
gram fund, virtual school fund and vocational education fund;
2. textbook and student materials revolving fund; and
3. special education fund.

The board of education of a school district shall not be limited to the
order of priority as listed in this subsection if the board so chooses. The
board of education of a school district shall not be required to use the total
amount of the unencumbered balance of moneys in a fund before using the
unencumbered balance of moneys in another fund.

(b) The amount of money expended by a school district in school year
2011-2012 from the unencumbered balance of moneys in the funds under
subsection (a) of this section shall not exceed, in the aggregate, an amount
determined by the state board of education. Such amount shall be deter-
mined by the state board as follows:

1. Determine the adjusted enrollment of the district, excluding special
education and related services weighting;
2. subtract the amount of base state aid per pupil appropriated to the
department of education for fiscal year 2012 from $4,012; and
3. multiply the difference obtained under paragraph (2) by the number
determined under paragraph (1). The product is the aggregate amount of
moneys that may be expended by a school district in school year 2011-
2012 from the unencumbered balance of moneys in the funds under sub-
section (a) of this section.

(c) It is the public policy goal of the state of Kansas that at least 65%
of the aggregate of all unencumbered balances authorized to be expended
for general operating expenses pursuant to subsection (a) shall be expended
in the classroom or for instruction, as provided in K.S.A. 2010 Supp. 72-
64c01, and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 72-965 is hereby amended to read as fol-
loows: 72-965. (a) The state board shall be responsible for the distribution
and allocation of state and federal funds for special education. Such moneys
shall be expended only in accordance with and for the purposes specified
in federal or state law. Payments under this act may be made in installments
and in advance or by way of reimbursement, with necessary adjustments
for overpayments or underpayments. Federal funds for special education
shall be deposited in the state treasury.

(b) The state board is hereby authorized to accept from an individual
or individuals, the United States government or any of its agencies or any
other public or private body, grants or contributions of money, funds or property which the state board may authorize to be used in accordance with appropriation acts, for or in aid of special education or related services or any of the purposes authorized by the federal law or this act.

(c) (1) Each board may use up to 15% of the amount it receives each year under the federal law to develop and implement coordinated, early intervening services for students in kindergarten through grade 12, with a particular emphasis on students in kindergarten through grade three, who have not been identified as needing special education or related services but who appear to need additional academic and behavioral support to succeed in a general education environment.

(2) In implementing coordinated, early intervening services under this subsection, a board may carry out activities that include:

(A) Providing professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software; and

(B) providing educational and behavioral evaluations, services and supports, including scientifically based literacy instruction.

(3) Each board that develops and maintains coordinated, early intervening services under this subsection shall annually report to the department:

(A) The number of students served under this subsection; and

(B) the number of students served under this subsection who subsequently receive special education and related services under this title during the two-year period preceding each report.

(d) Except for moneys received under K.S.A. 72-978, and amendments thereto, from cooperative agreements entered into under K.S.A. 72-968, and amendments thereto, any unencumbered balance of moneys attributable to appropriations by the legislature for special education or related services remaining in the special education fund of a school district on June 30, 2011, may be expended in school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education in an amount not to exceed 1/3 of the unencumbered balance of the school district’s special education fund.

Sec. 3. K.S.A. 2010 Supp. 72-978 is hereby amended to read as follows: 72-978. (a) Each year, the state board of education shall determine the amount of state aid for the provision of special education and related services each school district shall receive for the ensuing school year. The amount of such state aid shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the total amount of general fund and local option budgets of all school districts;
(2) subtract from the amount determined in paragraph (1) the total amount attributable to assignment of transportation weighting, program weighting, special education weighting and at-risk pupil weighting to enrollment of all school districts;

(3) divide the remainder obtained in paragraph (2) by the total number of full-time equivalent pupils enrolled in all school districts on September 20;

(4) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts;

(5) multiply the amount of the quotient obtained in paragraph (3) by the full-time equivalent enrollment determined in paragraph (4);

(6) determine the amount of federal funds received by all school districts for the provision of special education and related services;

(7) determine the amount of revenue received by all school districts rendered under contracts with the state institutions for the provisions of special education and related services by the state institution;

(8) add the amounts determined under paragraphs (6) and (7) to the amount of the product obtained under paragraph (5);

(9) determine the total amount of expenditures of all school districts for the provision of special education and related services;

(10) subtract the amount of the sum obtained under paragraph (8) from the amount determined under paragraph (9); and

(11) multiply the remainder obtained under paragraph (10) by 92%.

The computed amount is the amount of state aid for the provision of special education and related services aid a school district is entitled to receive for the ensuing school year.

(b) Each school district shall be entitled to receive:

(1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children; such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

(2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services; such reimbursement shall not be paid if such child has been counted in determining the transportation weighting of the district under the provisions of the school district finance and quality performance act;

(3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special edu-
cation or related services; such reimbursement shall not exceed $600 per exceptional child per school year; and

(4) subject to the provisions of subsection (f) and except for those school districts entitled to receive reimbursement under subsection (c) or (d), after subtracting the amounts of reimbursement under paragraphs (1), (2) and (3) of this subsection (a) from the total amount appropriated for special education and related services under this act, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children and are employed by the school district for approved special education or related services bears to the total number of such qualified full-time equivalent special teachers employed by all school districts for approved special education or related services.

Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as \( \frac{2}{5} \) full-time equivalent special teacher who is qualified to provide special education or related services.

(c) Each school district which has paid amounts for the provision of special education and related services under an interlocal agreement shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

(d) Each contracting school district which has paid amounts for the provision of special education and related services as a member of a cooperative shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.

(e) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional complex, the Atchison juvenile correctional facility, the Larned juvenile correctional facility, or the Topeka juvenile correctional facility and a
school district for the provision of special education services by such state institution shall be counted in making computations under this section.

(f) (1) In school year 2011-2012 and in each school year thereafter, the state board of education shall determine the minimum and maximum amount of state aid that a school district may receive under paragraph (4) of subsection (b) for the current school year as follows:

(A) Determine the total amount of moneys appropriated as state aid for the provision of special education and related services to all school districts for the current school year;

(B) subtract the amount of moneys paid to all school districts under paragraphs (1), (2) and (3) of subsection (b) of this section, 72-983 and K.S.A. 2010 Supp. 72-998, and amendments thereto, for the current school year;

(C) divide the remainder obtained under (B) by the total full-time equivalent enrollment of all school districts in the current school year;

(2) (A) multiply the quotient obtained under (1) (C) by the full-time equivalent enrollment of the school district in the current school year;

(B) multiply the product obtained under (2) (A) by .75. The product is the minimum amount of state aid the district may receive under paragraph (4) of subsection (b) for the current school year;

(C) multiply the quotient obtained under (2) (A) by 1.50. The product is the maximum amount of state aid the district may receive under paragraph (4) of subsection (b) for the current school year.

(3) If the amount determined under paragraph (4) of subsection (b) is less than the product obtained under (2)(B), the district shall receive state aid in an amount equal to the product obtained under (2)(B), plus any amount determined under paragraph (5) of this subsection.

(4) If the amount determined under paragraph (4) of subsection (b), plus any amount determined under paragraph (5) of this subsection, is greater than the product obtained under (2)(C), the district shall receive state aid in an amount equal to the product obtained under (2)(C). The balance of state aid remaining after determining the amount of state aid payable to districts under this paragraph shall be reallocated to districts as provided by paragraph (5) of this subsection.

(5) The balance of state aid remaining after determining the amount of state aid payable to districts under paragraph (4) of this subsection shall be reallocated to districts which have not received state aid in an amount equal to the product obtained under (2)(B). Such state aid shall be reallocated to such districts in the same manner as the original allocation. If the balance is insufficient to pay each such district the minimum amount specified in this subsection, the state board shall prorate the balance among such districts.

(6) The provisions of this subsection (f) shall expire on June 30, 2014.
Sec. 4. K.S.A. 72-3607 is hereby amended to read as follows: 72-3607. 
(a) There is hereby established in every school district which has developed 
and is operating a parent education program for which grants are awarded 
under this act a fund which shall be called the parent education program 
fund, which fund shall consist of all moneys deposited therein or transferred 
thereto according to law. Notwithstanding any other provision of law, all 
moneys received by the school district from whatever source for a parent 
education program operated under this act shall be credited to the fund 
established by this section. Amounts deposited in the parent education pro-
gram fund shall be used exclusively for the payment of expenses directly 
attributable to the program.

(b) Any unencumbered balance of moneys remaining in the parent ed-
ucation program fund of a school district on June 30, 2011, may be ex-
pended in school year 2011-2012 by the school district for general oper-
ating expenses of the school district as approved by the board of education.

Sec. 5. K.S.A. 2010 Supp. 72-3715 is hereby amended to read as fol-
lows: 72-3715. (a) In order to be included in the full-time equivalent en-
rollment of a virtual school, a pupil shall be in attendance at the virtual 
school on (1) a single school day on or before September 19 of each school 
year and (2) on a single school day on or after September 20, but before 
October 4 of each school year.

(b) A school district which offers a virtual school shall determine the 
full-time equivalent enrollment of each pupil enrolled in the virtual school 
on September 20 of each school year as follows:

(1) Determine the number of hours the pupil was in attendance on a 
single school day on or before September 19 of each school year;

(2) determine the number of hours the pupil was in attendance on a 
single school day on or after September 20, but before October 4 of each 
school year;

(3) add the numbers obtained under paragraphs (1) and (2);

(4) divide the sum obtained under paragraph (3) by 12. The quotient is 
the full-time equivalent enrollment of the pupil.

(c) The school days on which a district determines the full-time equiv-
alent enrollment of a pupil under paragraphs (1) and (2) of subsection (b) 
shall be the school days on which the pupil has the highest number of hours 
of attendance at the virtual school. No more than six hours of attendance 
may be counted in a single school day. Attendance may be shown by a 
pupil’s on-line activity or entries in the pupil’s virtual school journal or log 
of activities.

(d) (1) Subject to the availability of appropriations for virtual school 
state aid and within the limits of any such appropriations, each school year 
a school district which offers a virtual school shall be entitled to virtual 
school state aid.
(2) The state board of education shall determine the amount of virtual school state aid a school district is entitled to receive as follows:

(A) Multiply the full-time equivalent enrollment of the virtual school by an amount equal to 105% of the amount of base state aid per pupil;

(B) multiply the full-time equivalent enrollment of nonproficient at-risk pupils enrolled in an approved at-risk program offered by the virtual school, if any, by an amount equal to 25% of the amount of base state aid per pupil;

(C) add any amount determined under K.S.A. 2010 Supp. 72-3716, and amendments thereto; and

(D) add the amounts obtained under paragraphs (A) through (C). The sum is the amount of the virtual school state aid to which the school district is entitled.

(3) There is hereby established in every school district a fund which shall be called the virtual school fund, which fund shall consist of all money deposited therein or transferred thereto according to law. Moneys received as virtual school state aid shall be deposited in the general fund of the school district and transferred to the virtual school fund of the district. The expenses of a district directly attributable to virtual schools offered by a school district shall be paid from the virtual school fund. The cost of an advance placement course provided to a pupil described in subsection (d)(2)(D) shall be paid by the virtual school.

Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

Any unencumbered balance of moneys remaining in the virtual school fund of a school district on June 30, 2011, may be expended in school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education.

In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(e) For the purposes of this section, a pupil enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in the full-time equivalent enrollment of the virtual school.

Sec. 6. K.S.A. 2010 Supp. 72-6414a is hereby amended to read as follows: 72-6414a. (a) There is hereby established in every district a fund which shall be called the at-risk education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a district directly attributable to providing at-risk assistance or
programs, including assistance or programs provided to nonproficient pupils, shall be paid from the at-risk education fund.

(b) Any balance remaining in the at-risk education fund at the end of the budget year shall be carried forward into the at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the at-risk education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

Any unencumbered balance of moneys remaining in the at-risk education fund of a school district on June 30, 2011, may be expended in school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education.

(c) Each year the board of education of each school district shall prepare and submit to the state board a report on the at-risk program or assistance provided by the district. Such report shall include information specifying the number of at-risk pupils and nonproficient pupils who were served or provided assistance, the type of service provided, the research upon which the district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

(d) In order to achieve uniform reporting of the number of at-risk pupils and nonproficient pupils provided service or assistance by school districts in at-risk programs, districts shall report the number of at-risk pupils and nonproficient pupils served or assisted in the manner required by the state board.

Sec. 7. K.S.A. 2010 Supp. 72-6414b is hereby amended to read as follows: 72-6414b. (a) There is hereby established in every district a fund which shall be called the preschool-aged at-risk education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a district directly attributable to providing preschool-aged at-risk assistance or programs shall be paid from the preschool-aged at-risk education fund.

(b) A school district may expend amounts received from the preschool-aged at-risk weighting to pay the cost of providing at-risk, bilingual and vocational education programs and services.

(c) Any balance remaining in the preschool-aged at-risk education fund at the end of the budget year shall be carried forward into the preschool-aged at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the preschool-aged at-risk
education fund, and the amount expended therefrom shall be included in
the annual budget for the information of the residents of the school district.
Interest earned on the investment of moneys in any such fund shall be
credited to that fund.

Any unencumbered balance of moneys remaining in the preschool-aged
at-risk education fund of a school district on June 30, 2011, may be ex-
pended in school year 2011-2012 by the school district for general oper-
ating expenses of the school district as approved by the board of education.

(d) Each year the board of education of each school district shall prepare
and submit to the state board a report on the preschool-aged at-risk program
or assistance provided by the district. Such report shall include information
specifying the number of pupils who were served or provided assistance,
the type of service provided, the research upon which the district relied in
determining that a need for service or assistance existed, the results of
providing such service or assistance and any other information required by
the state board.

Sec. 8. K.S.A. 72-6420 is hereby amended to read as follows: 72-6420.
(a) There is hereby established in every district a fund which shall be called
the special education fund, which fund shall consist of all moneys deposited
therein or transferred thereto according to law. Notwithstanding any other
provision of law, all moneys received by the district from whatever source
for special education shall be credited to the special education fund estab-
lished by this section, except that (1) amounts of payments received by a
district under K.S.A. 72-979, and amendments thereto, and amounts of
grants, if any, received by a district under K.S.A. 72-983, and amendments
thereto, shall be deposited in the general fund of the district and transferred
to the special education fund, and (2) moneys received by a district pursuant
to lawful agreements made under K.S.A. 72-968, and amendments thereto,
shall be credited to the special fund established under the agreements.

(b) The expenses of a district directly attributable to special education
shall be paid from the special education fund and from special funds estab-
ishenced under K.S.A. 72-968, and amendments thereto.

(c) Obligations of a district pursuant to lawful agreements made under
K.S.A. 72-968, and amendments thereto, shall be paid from the special
education fund established by this section.

(d) Except for moneys received under K.S.A. 72-978, and amendments
thereto, from cooperative agreements entered into under K.S.A. 72-968,
and amendments thereto, any unencumbered balance of moneys attributa-
table to appropriations by the legislature for special education or related
services remaining in the special education fund of a school district on June
30, 2011, may be expended in school year 2011-2012 by the school district
for general operating expenses of the school district as approved by the
board of education in an amount not to exceed 1/3 of the unencumbered
balance of the school district’s special education fund.
Sec. 9. K.S.A. 2010 Supp. 72-6421 is hereby amended to read as follows: 72-6421. (a) There is hereby established in every district a fund which shall be called the vocational education fund. All moneys received by a district for any course or program authorized and approved under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, except for courses and programs conducted in an area vocational school, shall be credited to the vocational education fund. All moneys received by the district from tuition, fees or charges or from any other source for vocational education courses or programs, except for courses and programs conducted in an area vocational school, shall be credited to the vocational education fund. The expenses of a district directly attributable to vocational education shall be paid from the vocational education fund. 

(b) Obligations of a district pursuant to lawful agreements made under K.S.A. 72-4421, and amendments thereto, shall be paid from the vocational education fund established by this section. If any such agreement expresses an obligation of a district in terms of a mill levy, such obligation shall be construed to mean an amount equal to that which would be produced by the levy.

(c) Any balance remaining in the vocational education fund at the end of the budget year shall be carried forward into the vocational education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the vocational education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

Any unencumbered balance of moneys attributable to appropriations by the legislature in the vocational education fund of a school district on June 30, 2011, may be expended in school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education.

Sec. 10. K.S.A. 72-6423 is hereby amended to read as follows: 72-6423. (a) There is hereby established in every district a fund which shall be called the driver training fund which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by the district from distributions made from the state safety fund and the motorcycle safety fund and from tuition, fees or charges for driver training courses shall be credited to the driver training fund. The expenses of a district directly attributable to driver training shall be paid from the driver training fund. 

(b) The provisions of this section shall take effect and be in force from and after July 1, 1992. Any unencumbered balance of moneys remaining in
the driver training fund of a school district on June 30, 2011, may be expended in school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education.

Sec. 11. K.S.A. 2010 Supp. 72-6426 is hereby amended to read as follows: 72-6426. (a) There is hereby established in every district a fund which shall be called the contingency reserve fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The fund shall be maintained for payment of expenses of a district attributable to financial contingencies as determined by the board.

(b) (1) Except as otherwise provided in subsection (c), at no time in school year 2008-2009 through school year 2011-2012 shall the amount maintained in the contingency reserve fund exceed an amount equal to 10% of the general fund budget of the district for the school year.

(2) Except as otherwise provided in subsection (c), at no time in school year 2012-2013 or any school year thereafter shall the amount maintained in the contingency reserve fund exceed an amount equal to 6% of the general fund budget of the district for the school year.

(c) (1) If the amount in the contingency reserve fund of a district is in excess of the amount authorized under subsection (b), and if such excess amount is the result of a reduction in the general fund budget of the district for the school year because of a decrease in enrollment, the district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.

(2) The limitation on the amount which may be maintained in the contingency reserve fund imposed under subsection (b) shall not apply to any district whose state financial aid is computed under the provisions of K.S.A. 72-6445a, and amendments thereto. Any such district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.

(d) Notwithstanding the provisions of subsection (c), any unencumbered balance of moneys remaining in the contingency reserve fund of a school district on June 30, 2011, may be expended in school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education.

Sec. 12. K.S.A. 72-8237 is hereby amended to read as follows: 72-8237. (a) The board of education of any school district may: (1) Establish, operate and maintain a summer program for pupils; (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of a summer program for pupils; and (3) prescribe and collect fees for providing a summer program for pupils or provide such program without charge.

(b) Fees for providing a summer program for pupils shall be prescribed
and collected only to recover the costs incurred as a result of and directly
attributable to the establishment, operation and maintenance of the program.

(c) No school district may collect fees for providing a summer program
for pupils required to attend such a program in accordance with the pro-
visions of law, rules and regulations of the state board of education, policy
of the board of education, or an individualized education plan developed
for an exceptional child.

(d) There is hereby established in every district which estab-
ishes, operates and maintains a summer program a fund which shall be called
the summer program fund, which fund shall consist of all moneys deposited
therein or transferred thereto according to law. All moneys received by a
district from fees collected under this section or from any other source for
summer programs shall be credited to the summer program fund. The ex-
penses of a district directly attributable to summer programs shall be paid
from the summer program fund.

Any unencumbered balance of moneys remaining in the summer program
fund of a school district on June 30, 2011, may be expended in school year
2011-2012 by the school district for general operating expenses of the
school district as approved by the board of education.

(e) As used in this section, the term “summer program” means a pro-
gram which is established by the board of education of a school district and
operated during the summer months for the purpose of giving remedial
instruction to pupils or for the purpose of conducting special projects and
activities designed to enrich and enhance the educational experience of
pupils, or for both such purposes.

Sec. 13. K.S.A. 2010 Supp. 72-8250 is hereby amended to read as
follows: 72-8250. (a) There is hereby established in every school district a
textbook and student materials revolving fund. Moneys in such fund shall
be used to:

1. Purchase any items designated in K.S.A. 72-5389, and amendments
   thereto;
2. pay the cost of materials or other items used in curricular, extra-
curricular or other school-related activities; and
3. purchase textbooks as authorized by K.S.A. 72-4141, and amend-
   ments thereto.

(b) Any balance remaining in the textbook and student materials re-
volving fund at the end of the budget year shall be carried forward into that
fund for succeeding budget years. Such fund shall not be subject to the
provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.
In preparing the budget of such school district, the amounts credited to and
the amount on hand in the textbook and student materials revolving fund,
and the amount expended therefrom shall be included in the annual budget
for the information of the residents of the school district. Interest earned on
the investment of moneys in any such fund shall be credited to that fund.
Any unencumbered balance of moneys remaining in the textbook and student materials revolving fund of a school district on June 30, 2011, may be expended in school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education in an amount not to exceed $\frac{1}{3}$ of the unencumbered balance of the school district’s textbook and student materials revolving fund.

Sec. 14. K.S.A. 2010 Supp. 72-9509 is hereby amended to read as follows: 72-9509. (a) There is hereby established in every school district a fund which shall be called the bilingual education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a district directly attributable to such bilingual education programs shall be paid from the bilingual education fund.

(b) Any balance remaining in the bilingual education fund at the end of the budget year shall be carried forward into the bilingual education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the bilingual education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

Any unencumbered balance of moneys remaining in the bilingual education fund of a school district on June 30, 2011, may be expended in school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education.

(c) Each year the board of education of each school district shall prepare and submit to the state board a report on the bilingual education program and assistance provided by the district. Such report shall include information specifying the number of pupils who were served or provided assistance, the type of service provided, the research upon which the district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

Sec. 15. K.S.A. 2010 Supp. 72-9609 is hereby amended to read as follows: 72-9609. There is hereby established in every school district a fund which shall be called the professional development fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by the school district from whatever source for professional development programs established under this act shall be credited to the fund established by this section. The expenses of a school district directly attributable to professional development programs shall be paid from the professional development fund.

Any unencumbered balance of moneys remaining in the professional development fund of a school district on June 30, 2011, may be expended in
school year 2011-2012 by the school district for general operating expenses of the school district as approved by the board of education.

Sec. 16. K.S.A. 72-3607, 72-6420, 72-6423 and 72-8237 and K.S.A. 2010 Supp. 72-965, 72-978, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-8250, 72-9509 and 72-9609 are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 25, 2011.

CHAPTER 108
SENATE BILL No. 115

An Act concerning state agencies; relating to the employee award and recognition program for state employees; state employee suggestion program; repealing certain expired committees, commissions and task forces; repealing the highway advisory commission and frontier military scenic byway designation; amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section; also repealing K.S.A. 12-5309, 46-2701, 46-3201, 66-1226, 68-1038, 75-5002 and 75-5003 and K.S.A. 2010 Supp. 2-1921, 2-1922, 2-1923, 46-3702 and 65-1,177.

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

Section 1. K.S.A. 2010 Supp. 75-37,105 is hereby amended to read as follows: 75-37,105. (a) As used in this section, “state agency” has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor’s department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch and any appointed state council or state commission.

(b) (1) There is established an employee award and recognition program for state employees. Under this program monetary or non-monetary awards may be made to state employees. An appointing authority may implement a program of award and recognition for classified and unclassified employees or teams of employees for distinguished accomplishment, meritorious service, innovations, Kansas quality management, volunteerism or length of service. Under this program monetary or non-monetary awards may be made to state employees. Non-monetary awards may include, but are not limited to, a medal, an annual award luncheon held by the employee’s respective state agency or public recognition by the Kansas house of representatives or the Kansas senate.

(2) All awards and recognition provided under this section shall meet the conditions for a discretionary bonus set out in 29 C.F.R. § 778.211.

(c) The total gross value of awards to any employee of the state
during a single fiscal year shall not exceed $3,500 except as provided in subsection (f) and subsection (g). No award paid pursuant to this section during the fiscal year shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each taxable award paid under this section shall be a discretionary bonus, as defined by 29 C.F.R. § 778, and shall be in addition to the regular earnings to which that employee may be entitled or for which the employee may become eligible. Monetary awards are subject to taxes in accordance with federal internal revenue code regulations. The value of non-monetary awards shall be reported by state agencies in accordance with sections 74 and 132 of the federal internal revenue code and procedures prescribed by the director of accounts and reports.

(c) The award and recognition program shall be paid from moneys appropriated and available for operating expenditures of the state agency or from other funding sources as appropriated. In the case of employee suggestions, the award or recognition for each employee shall be paid or provided by the state agency that benefited from and implemented the suggestion.

(d) The regulations of the employee award board adopted pursuant to K.S.A. 75-37,108, and amendments thereto, are hereby revoked.

(e) The secretary of administration shall adopt rules and regulations that provide oversight and administrative review of state agency award and recognition programs. The secretary of administration shall adopt rules and regulations to provide safeguards to preclude opportunities for abuse within the employee award and recognition program in each state agency and to ensure objective decision-making procedures in award and recognition determinations for all participating employees.

(f)(1) (A) Each state agency shall establish a state employee suggestion program through which state employees may submit suggestions for cost reductions in their respective state agency through increased efficiencies or other economies or savings in the operations of the state agency.

(B) Each employee making a suggestion for cost reduction shall be paid a monetary employee award awarded a monetary or non-monetary employee award or awards for innovation pursuant to subsection (b)(b) of this section upon adoption of the suggestion by the state agency. Such a monetary award Monetary awards for innovation shall be nondiscretionary and shall be in the amount of 2.5% 10% of the estimated cost reduction, accrued during the first 12 months after implementation of the suggestion, as documented to the division of the budget, up to a maximum of $5,000. As certified by the agency’s chief fiscal officer and the agency appointing authority up to a maximum of $3,500. Each employee making a suggestion for cost reduction shall also be paid an employee suggestion bonus in the amount of the difference between the amount of the innovation award re-
Salary bonus payments under the Kansas savings incentive program shall be made only for the following conditions:

(A) Monetary innovation awards made under subsection (f), or

(B) for awards and recognition provided pursuant to subsection (a).

(2) The director of personnel services shall establish guidelines and limitations for bonus payments under the Kansas savings incentive program.
(h) Awards and incentives and other recognition pursuant to this section shall not be deemed in violation of K.S.A. 46-237a, and any amendments thereto.

(i) The provisions of subsections (f) and (g) of this section shall expire on June 30, 2006. Any person elected or appointed to a state agency position shall not be a recipient of a monetary award under this section.


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

Approved May 25, 2011.

CHAPTER 109
House Substitute for Substitute SENATE BILL No. 127

AN ACT enacting the university engineering initiative act; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section.

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

New Section 1. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the university engineering initiative act.

New Sec. 2. (a) The legislature of the state of Kansas hereby finds and declares that:

(1) Engineering intensive industries represent approximately one-third of the statewide payroll and tax base;

(2) under the university engineering initiative act, the secretary of commerce, in consultation with the board of regents, state educational institutions and private industry, shall develop a plan to ensure engineering industry partners find the new talent, designs and techniques needed to fuel economic growth and business success in Kansas;

(3) the goal of the university engineering initiative act is to increase the number of engineering graduates to 1,365 graduates per year in 2021, and all moneys appropriated pursuant to this act shall be used to meet this goal; and

(4) the needs of the citizens of the state of Kansas will be best served if the secretary of commerce, the board of regents and the state educational institutions under the control and supervision of the board of regents are granted specific authority to assist in the expansion of the engineering programs.

(b) The exercise of the powers authorized by this act are deemed an
essential governmental function in matters of public necessity for the entire state to increase the number of engineering graduates.

New Sec. 3. As used in this act, the following words and phrases have the following meanings unless a different meaning clearly appears from the content:
(a) "Board of regents" means the state board of regents of the state of Kansas established by K.S.A. 74-3202a, and amendments thereto.
(b) "Engineering initiative facility" means any facility, including real and personal property, for which the primary purpose is to educate additional engineers and which is under the control of a state educational institution.
(c) "Secretary" means the secretary of commerce.
(d) "State" means the state of Kansas.
(e) "State educational institution" means Kansas state university of agriculture and applied science, university of Kansas and Wichita state university.
(f) "This act" means the university engineering initiative act.

New Sec. 4. (a) The secretary, the board of regents and the state educational institutions shall have all the powers necessary or convenient to carry out the purposes and provisions of this act.
(b) When reviewing plans of each state educational institution and making decisions regarding expenditures from the Kan-grow engineering fund—KU, Kan-grow engineering fund—KSU and Kan-grow engineering fund—WSU, the secretary, in consultation with the board of regents, shall consider the different needs of each state educational institution to expand such institution’s program to increase the number of engineering graduates.
(c) On or before the first day of the 2017 regular session, the secretary shall conduct a review of each state educational institution’s plan to meet the goals established in the university engineering initiative act. The report shall include an analysis of whether or not the institutions are on course to meet the goals established in this act.

New Sec. 5. (a) The board of regents and the state educational institutions are authorized to acquire, construct and equip engineering facilities on state-owned property of the board of regents or any state educational institution for purposes of educating engineers from any moneys of the board of regents or the state educational institutions available therefor, except that no such engineering facilities shall be acquired, constructed or equipped and no moneys shall be expended therefor unless the board of regents has first advised and consulted with the secretary and the joint committee on state building construction regarding the proposed engineering facilities and each capital improvement project proposed therefor. The engineering facilities shall become the property of the state upon completion and acceptance by the board of regents.
(b) The board of regents and the state educational institutions are au-
authorized to initiate and complete capital improvement projects to repair, remodel or renovate state buildings and facilities of the state educational institutions for use as engineering facilities from any moneys of the board of regents or the state educational institutions, except that no such capital improvement project for such repair, remodeling or renovation shall be initiated unless the board of regents has first advised and consulted with the secretary and the joint committee on state building construction regarding the proposed engineering facilities and each such capital improvement project proposed therefor.

(c) Each state educational institution shall submit to the secretary and the board of regents a plan to provide for the annual maintenance and operation costs of any newly constructed engineering facility or capital improvement of an existing engineering facility when seeking funding for the making of such construction or improvement from the secretary or the board of regents.

New Sec. 6. (a) (1) There is hereby created in the state treasury the Kan-grow engineering fund—KU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at the university of Kansas, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund—KU.

(2) All expenditures from the Kan-grow engineering fund—KU shall be for purposes of the university engineering initiative act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund—KU which is transferred from expanded lottery act revenues fund moneys shall be required to be matched on a $1 for $1 basis from nonstate sources.

(b) (1) There is hereby created in the state treasury the Kan-grow engineering fund—KSU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at Kansas state university, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund—KSU.

(2) All expenditures from the Kan-grow engineering fund—KSU shall be for purposes of the university engineering initiative act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund—KSU which is transferred from expanded lottery
act revenues fund moneys shall be required to be matched on a $1 for $1 basis from nonstate sources.

(c) (1) There is hereby created in the state treasury the Kan-grow engineering fund—WSU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at Wichita state university, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund—WSU.

(2) All expenditures from the Kan-grow engineering fund—WSU shall be for purposes of the university engineering initiative act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund—WSU which is transferred from expanded lottery act revenues fund moneys shall be required to be matched on a $1 for $1 basis from nonstate sources.

New Sec. 7. Purchases by the board of regents or the state educational institutions relating to engineering initiative facilities shall not be subject to sales tax under K.S.A. 79-3601 et seq., and amendments thereto, or use tax under K.S.A. 79-3701 et seq., and amendments thereto.

New Sec. 8. This act shall be liberally construed. Except as otherwise expressly provided, nothing contained in this act is or shall be construed as a restriction or limitation upon any powers which the secretary, the board of regents or the state educational institutions might otherwise have under other law of this state, and the provisions of this act are cumulative to such powers. The provisions of this act do and shall be construed to provide a complete, additional and alternative method for doing the things authorized and shall be regarded as supplemental and additional to any other laws. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general, specific or local, the provisions of this act shall be controlling.

Sec. 9. K.S.A. 2010 Supp. 74-8768 is hereby amended to read as follows: 74-8768. (a) There is hereby created the expanded lottery act revenues fund in the state treasury. All expenditures and transfers from such fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be expended or transferred only for the purposes of reduction of state debt, state infrastructure improvements, the university engineering initiative act, and reduction of local ad valorem tax in the same manner as provided for allocation of amounts in the local ad valorem tax reduction fund.

(b) On July 1, 2012, July 1, 2013, July 1, 2014, July 1, 2015, July 1, 2016, July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021, or as soon thereafter such date as moneys are available, the first
$10,500,000 credited to the expanded lottery act revenues fund shall be transferred by the director of accounts and reports from the expanded lottery act revenues fund in one or more substantially equal amounts, to each of the following: the Kan-grow engineering fund—KU, Kan-grow engineering fund—KSU and Kan-grow engineering fund—WSU. Each such special revenue fund shall receive $3,500,000 annually in each of such years.

Sec. 10. K.S.A. 2010 Supp. 74-8768 is hereby repealed.

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

Approved May 25, 2011.

CHAPTER 110

An Act concerning school districts; relating to school finance; relating to the calculation of the local option budget; relating to the statewide levy for public schools and the exemption therefrom; amending K.S.A. 2010 Supp. 72-6431, 72-6433d and 79-201x and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 72-6433d is hereby amended to read as follows: 72-6433d. (a) (1) The provisions of this subsection shall apply in any school year in which the amount of base state aid per pupil is $4,433 or less.

(2) The board of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the base state aid per pupil was $4,433 or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(b) (1) The provisions of this subsection shall apply in any school year in which the amount appropriated for state aid for special education and related services is less than the amount appropriated for state aid for special education and related services in school year 2008-2009.

(2) The board of education of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.
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(e) The provisions of this section shall expire on June 30, 2012.

Sec. 2. K.S.A. 2010 Supp. 72-6431 is hereby amended to read as follows: 72-6431. (a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the district’s general fund budget which is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school year 2009-2010 and school year 2012-2013.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.

(d) On June 6 of each year, the amount, if any, by which a district’s local effort exceeds the amount of the district’s state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 3. K.S.A. 2010 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years 2009 and 2010, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of $20,000 of its appraised valuation.

Sec. 4. K.S.A. 2010 Supp. 72-6431, 72-633d and 79-201x are hereby repealed.

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

Approved May 25, 2011.
CHAPTER 111

HOUSE BILL No. 2075

AN ACT concerning insurance; pertaining to review of healthcare decisions; pertaining to group life insurance; excluding insurance coverage for certain abortions; pertaining to the Kansas uninsurable health plan act; amending K.S.A. 40-22a13, 40-22a14, 40-22a15 and 40-22a16 and K.S.A. 2010 Supp. 40-2,103, 40-433, 40-19c09, 40-2122 and 40-2124 and repealing the existing sections.

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

Section 1. From and after July 1, 2011, K.S.A. 2010 Supp. 40-433 is hereby amended to read as follows: 40-433. No policy of group life insurance shall be delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued by an insurance company organized under the laws of the state of Kansas on its employees and agents, which agents for the purpose of this act only shall be deemed employees, the beneficiaries under such policies to be persons designated by each insured, or a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, both subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term ‘‘employees’’ shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term ‘‘employees’’ shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term ‘‘employees’’ shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. A policy issued to insure the employees of a public body may provide that the term ‘‘employees’’ shall include elected or appointed officials.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the employer’s funds or funds contributed by the employer, or partly from such funds and partly from funds contributed by the
insured employees. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75% of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contribution or entirely by the employees at their option. A policy on which no part of the premium is to be derived from funds contributed by the insured employees shall insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject the coverage in writing.

(c) The policy shall cover at least two employees at date of issue.

(d) The amounts of insurance under the policy shall be based upon some plan, precluding individual selection either by the employees or by the employer or trustees.

(2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor’s funds or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges shall insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured.

(d) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by that debtor which is repayable in installments to the creditor.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.
(3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the union’s funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance or entirely by the insured members at their option. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance shall insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject coverage in writing.

(c) The policy shall cover at least 25 members at date of issue.

(d) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the members or by the union.

(4) A policy issued to the trustees of a fund established in this state by two or more employers if a majority of the employees to be insured of each employer are located within the state, or to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term “employees” shall include retired employees and the individual proprietor or partners if any employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for
insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. The policy may provide that the term “employees” shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy shall be paid by the trustees either wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or partly from such funds and partly from funds contributed by the insured employees or wholly from funds contributed by the employees or members at their option. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured persons. The policy shall insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject coverage in writing.

(c) The policy shall cover at date of issue at least 100 persons and not less than an average of five persons per employer unit.

(d) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or union.

(e) The requirements of paragraphs (b) and (d) of this subsection governing employer contributions and amounts of insurance shall not apply to a voluntary term life insurance policy issued on a group basis.

(5) A policy issued to an association which has been organized and is maintained for purposes other than that of obtaining insurance, insuring at least 25 members, employees, or employees of members of the association for the benefit of persons other than the association or its officers. The term “employees” as used herein shall be deemed to include retired employees. The premiums for the policies shall be paid by the policyholder, either wholly from association funds, or funds contributed by the members of such association or by employees of such members or any combination thereof. The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured person or by the association or by the member.

(6) Any policy issued pursuant to this section may be extended to insure the employees against loss due to the death of their spouses, their children, their grandchildren, their spouse’s children, their spouse’s grandchildren, their parents, their spouse’s parents, or any class or classes thereof, subject to the following requirements:

(a) The premium for the insurance shall be paid by the policyholder, either from the employer’s funds or from funds contributed by the insured employees, or from both. If any part of the premium is to be derived from funds contributed by the insured employees, the insurance with respect to spouses, their children, their grandchildren, their spouse’s children, their spouse’s grandchildren, their parents, and their spouse’s parents may be placed in force only if at least 75% of the then eligible employees, excluding
any as to whose family members’ evidence of insurability is not satisfactory to the insurer, elect to make the required contribution. If no part of the premium is to be derived from funds contributed by the employees, all eligible employees, excluding any as to whose family members’ evidence of insurability is not satisfactory to the insurer, shall be insured with respect to their spouses, their children, their grandchildren, their spouse’s children, their spouse’s grandchildren, their parents, their spouse’s parents.

(b) The amounts of insurance shall be based upon some plan precluding individual selection either by the employees or by the policyholder, or employer and shall not exceed with respect to any spouse, child or parent 50% of the insurance on the life of such insured employee.

(c) Upon termination of the insurance with respect to the spouse of an employee by reason of the employee’s termination of employment or death, the spouse insured pursuant to this section shall have the same conversion rights as to the insurance on such spouse’s life as is provided for the employee under K.S.A. 40-434, and amendments thereto.

(d) Notwithstanding the provisions of K.S.A. 40-434, and amendments thereto only one certificate need be issued for delivery to an insured person if a statement concerning any dependent’s coverage is included in such certificate.

(e) The requirements of paragraphs (a) and (b) of this subsection governing participation, contribution by an employer and amounts of insurance for dependents shall not apply to a voluntary term life insurance policy issued on a group basis.

Sec. 2. From and after July 1, 2011, K.S.A. 40-22a13 is hereby amended to read as follows: 40-22a13. On and after January 1, 2000 July 1, 2011, for the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto:

(a) ‘‘Adverse decision’’ means a utilization review determination by a third-party administrator, a health insurance plan, an insurer or a health care provider acting on behalf of an insured that a proposed or delivered health care service which would otherwise be covered under an insured’s contract is not or was not medically necessary or the health care treatment has been determined to be experimental or investigational and:

(1) If the requested service is provided in a manner that leaves the insured with a financial obligation to the provider or providers of such services; or
(2) the adverse decision is the reason for the insured not receiving the requested services.

(b) "Emergency medical condition" means:

(1) The sudden, and at the time, unexpected onset of a health condition that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part or would place a person's health in serious jeopardy;

(2) a medical condition where the time frame for completion of a standard external review would seriously jeopardize the life or health of the insured or would jeopardize the insured's ability to regain maximum function; or

(3) a medical condition for which coverage has been denied based on a determination that the recommended or requested health care service or treatment is experimental or investigational, if the insured's treating physician certifies, in writing, that the recommended or requested health care service or treatment for the medical condition would be significantly less effective if not promptly initiated.

c) "External review organization" means an entity that conducts independent external reviews of adverse decisions pursuant to a contract with the commissioner. Such entity shall have experience serving as the external quality review organization in health programs administered by the state of Kansas, or be a nationally accredited external review organization which utilizes health care providers actively engaged in the practice of their profession in the state of Kansas who are qualified and credentialed with respect to the health care service review. In the event no Kansas providers are qualified and credentialed with respect to the review of any case, the external review organization shall have the discretion to employ health care providers who actively engage in such health care provider's practice outside the state of Kansas.

d) "Health insurance plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, and a plan provided by a municipal group-funded pool, or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans.

e) "Insured" means the beneficiary of any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, municipal group-funded pool, and the self-funded coverage established by the state of Kansas, or any hospital or medical expense, health, hospital or medical service corporation contract or a plan provided by a municipal group-funded pool.

(f) "Insurer" means any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, provider sponsored organizations, municipal group-
funded pool and the self-funded coverage established by the state of Kansas for its employees.

Sec. 3. From and after July 1, 2011, K.S.A. 40-22a14 is hereby amended to read as follows: 40-22a14. On and after January 1, 2000 July 1, 2011:

(a) The provisions of K.S.A. 40-22a13 through 40-22a16, and amendments thereto, shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, coverage under a plan through medicare, medicaid, or the federal employees health benefits program, any coverage issues as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

(b) The right to external review under K.S.A. 40-22a13 through 40-22a16, and amendments thereto, shall not be construed to change the terms of coverage under a health insurance plan or insurance policy.

(c) The insurer or health insurance plan shall provide written notice to the insured of a final adverse decision and the opportunity for requesting an external review.

(d) (1) The insured has the right to request an independent external review of an adverse decision by a health insurance plan or insurer when:

(A) The insured has exhausted all available internal review procedures provided by the health insurance plan or insurer, unless the insured has an emergency medical condition, in which case an expedited procedure is used; or

(B) the insured has not received a final decision from the insurer within 60 days of seeking the internal review, except to the extent that the delay was requested by the insured.

(2) Whenever an insurer or health insurance plan fails to strictly adhere to all appeal procedure requirements as prescribed by state or federal law, the claimant shall be deemed to have exhausted the internal claims and appeal process regardless of whether such insurer or health insurance plan asserts that:

(A) It has substantially complied with such appeal procedure; or

(B) any error it committed was de minimis.

(e) Within 90 120 days of receipt of an adverse decision by a health insurance plan or an insurer, any request for external review shall be made in writing to the commissioner from the following persons: (1) The insured; (2) the treating physician or health care provider acting on behalf of the
insured with written authorization from the insured; or (3) a legally authorized designee of the insured.

(f) The insured shall provide all information in the possession of the insured pertaining to the adverse decision in order for the commissioner to make a preliminary determination for an external review. The insured also shall provide the commissioner with an appeal form, and a fully executed release for the commissioner and the external review organization to obtain any necessary medical records from the insurer or health insurance plan and any other relevant provider.

(g) In responding to the commissioner, the insurer or health insurance plan shall provide a copy of the adverse decision given to the insured and all medical and other records pertaining to the insured’s claim within five business days of the request of the commissioner.

(h) The confidentiality of any medical information submitted by the insured, on behalf of the insured, insurer or health insurance plan, shall be maintained pursuant to applicable state and federal laws.

Sec. 4. From and after July 1, 2011, K.S.A. 40-22a15 is hereby amended to read as follows: 40-22a15. On and after January 1, 2011:

(a) The commissioner shall:

(1) Negotiate contracts with external review organizations which are eligible to conduct independent review of the adverse decision by a health insurance plan or insurer;

(2) allow the insurer or the health insurance plan, an insured or treating physician or health care provider acting on behalf of the insured, or legally authorized designee filing a request for external review to provide additional written information as may be relevant for the commissioner to make a final decision on whether the request qualified for external review;

(3) make a decision on a request for external review within 10 business days after receiving all necessary information;

(4) notify the insured and treating physician or health care provider acting on behalf of the insured, or legally authorized designee, and insurer or health insurance plan in writing that a request for external review will or will not be granted; and

(5) design and implement an expedited procedure for use in an emergency medical condition for purposes of the external review organization rendering a decision.

(b) The external review organization as defined in subsection (c) of K.S.A. 40-22a13, and amendments thereto, shall provide that all reviews completed pursuant to K.S.A. 40-22a13 through 40-22a16, and amendments thereto, are conducted by qualified and credentialed health care providers with respect to the health care service under review and who have no conflict of interest relating to the performance of the external review organization.
organization’s duties in K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(c) The external review organization shall issue a written decision to the insured and concurrently send a copy of such decision to the commissioner including the basis and rationale for its decision within 30 business days. The standard of review shall be whether the health care service denied by the insurer or health insurance plan was medically necessary under the terms of the insured’s contract. In reviews regarding experimental or investigational treatment, the standard of review shall be whether the health care service denied by the insurer or health insurance plan was covered or excluded from coverage under the terms of the insured’s contract.

(d) The external review organization shall provide expedited resolution when an emergency medical condition exists, and shall resolve all issues within seven business days not more than 72 hours after the date of receipt of the request for an expedited external review, or as expeditiously as the insured’s medical condition or circumstances require.

(e) The external review organization shall maintain and report such data as may be required by the commissioner in order to assess the effectiveness of the external review process.

(f) No external review organization nor any individual working on behalf of such organization shall be liable in damages to any insured, health insurance plan or insurer for any opinion rendered as part of an external review conducted pursuant to K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(g) The external review organization shall maintain confidentiality of the medical records of the insured in accordance to state and federal law.

(h) The external review organization’s fee for performance of any external review may be paid by the commissioner, the insurer or the health insurance plan. In no event shall the insured be held responsible for any portion of such fee.

Sec. 5. From and after July 1, 2011, K.S.A. 40-22a16 is hereby amended to read as follows: 40-22a16. On and after January 1, 2000, July 1, 2011:

(a) The decision of the external review organization may be reviewed directly by the district court at the request of either the insured, insurer or health insurance plan. The review by the district court shall be de novo. The decision of the external review organization shall not preclude the insured, insurer or health insurance plan from exercising other available remedies applicable under state or federal law. Seeking a review by the district court or any other available remedies exercised by the insured, insurer or health insurance plan after the decision of the external review organization will not stay the external review organization’s decision as to the payment or provision of services to be rendered during the pendency of the review by the insurer or health insurance plan. All material used in
an external review and the decision of the external review organization as a result of the external review shall be deemed admissible in any subsequent litigation.

(b) In no event shall more than one external review be available during the same year for any request arising out of the same set of facts during a period of 12 consecutive months commencing on the date of the initial request for external review. An insured may not pursue, either concurrently or sequentially, an external review process under both a federal and state law. In the event external review processes are available pursuant to federal law and this act, the insured shall have the option of designating which external review process will be utilized.

(c) The commissioner of insurance is hereby authorized to negotiate and enter into contracts necessary to perform the duties required by K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(d) The commissioner of insurance shall adopt rules and regulations necessary to carry out the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto. The rules and regulations shall ensure that the commissioner is able to provide for an effective and efficient external review of health care services.

(e) Except as provided in subsection (a), the decision of the external review organization shall be binding on the insured and the insurer or health insurance plan.

Sec. 6. K.S.A. 2010 Supp. 40-2122 is hereby amended to read as follows: 40-2122. (a) The following individuals shall be eligible for plan coverage provided they meet the criteria set forth in subsection (b):

(1) Any person who has been a resident of this state for at least six months;
(2) any person who is a legal domiciliary of this state who previously was covered under the high risk pool of another state, provided they apply for coverage under the plan within 63 days of losing such other coverage for reasons other than fraud or nonpayment of premiums;
(3) any federally defined eligible individual who is a legal domiciliary of this state; or
(4) any federally defined eligible individual for FTAA.

(b) Those individuals who are eligible for plan coverage under subsection (a) must provide evidence satisfactory to the administering carrier that such person meets one of the following criteria:

(1) Such person has had health insurance coverage involuntarily terminated for any reason other than nonpayment of premium;
(2) such person has applied for health insurance and been rejected by two carriers because of health conditions;
(3) Such person is a child under the age of 19 years and has been unable to purchase or obtain coverage under an individual health insurance
policy providing health insurance coverage, because such coverage is not available for sale in the county in which the child resides;

(4) such person has applied for health insurance and has been quoted a premium rate which is in excess of the plan rate;

(5) such person has been accepted for health insurance subject to a permanent exclusion of a preexisting disease or medical condition;

(6) such person is a federally defined eligible individual; or

(7) such person is a federally defined eligible individual for FTAA.

(c) Each resident dependent of a person who is eligible for plan coverage shall also be eligible for plan coverage.

(d) The following persons shall not be eligible for coverage under the plan:

(1) Any person who is eligible for medicare or is eligible for medicaid benefits;

(2) any person who has had coverage under the plan terminated less than 12 months prior to the date of the current application, except that this provision shall not apply with respect to an applicant who is a federally defined eligible individual;

(3) any person who has received accumulated benefits from the plan equal to or in excess of the lifetime maximum benefits under the plan prescribed by K.S.A. 40-2124, and amendments thereto;

(4) any person having access to accident and health insurance through an employer-sponsored group or self-insured plan, including coverage under the consolidated omnibus budget reconciliation act (COBRA), except that the requirement for exhaustion of any available COBRA or state continuation is waived whenever such person:

(A) is eligible for the credit for health care costs under section 35 of the internal revenue code of 1986; and

(B) has three months of prior creditable coverage as described in subsection (c) of K.S.A. 40-2124, and amendments thereto; or

(5) any person who is eligible for any other public or private program that provides or indemnifies for health services.

(e) Any person who ceases to meet the eligibility requirements of this section may be terminated at the end of a policy period.

(f) All plan members, insurers and insurance arrangements shall notify in writing persons denied health insurance coverage, for any reason, of the availability of coverage through the Kansas health insurance association.

Sec. 7. K.S.A. 2010 Supp. 40-2124 is hereby amended to read as follows: 40-2124. (a) Coverage under the plan shall be subject to both deductible and coinsurance provisions set by the board. The plan shall offer to current participants and new enrollees no fewer than four choices of deductible and copayment options. Coverage shall contain a coinsurance provision for each service covered by the plan, and such copayment requirement shall not be subject to a stop-loss provision. Such coverage may
provide for a percentage or dollar amount of coinsurance reduction at specific thresholds of copayment expenditures by the insured.

(b) Coverage under the plan shall be subject to a maximum lifetime benefit of $2,000,000 $3,000,000 per covered individual.

c) Coverage under the plan shall exclude charges or expenses incurred during the first 90 days following the effective date of coverage as to any condition: (1) Which manifested itself during the six-month period immediately prior to the application for coverage in such manner as would cause an ordinarily prudent person to seek diagnosis, care or treatment; or (2) for which medical advice, care or treatment was recommended or received in the six-month period immediately prior to the application for coverage. In succeeding years of operation of the plan, coverage of preexisting conditions may be excluded as determined by the board, except that no such exclusion shall exceed 180 calendar days, and no exclusion shall be applied to either a federally defined eligible individual provided that application for coverage is made not later than 63 days following the applicant’s most recent prior creditable coverage or an individual under the age of 19 years who is eligible for enrollment in the plan under paragraph (3) of subsection (b) of K.S.A. 40-2122, and amendments thereto. For any individual who is eligible for the credit for health insurance costs under section 35 of the internal revenue code of 1986, the preexisting conditions limitation will not apply whenever such individual has maintained creditable health insurance coverage for an aggregate period of three months, not counting any period prior to a 63-day break in coverage, as of the date on which such individual seeks to enroll in coverage provided by this act.

(d) (1) Benefits otherwise payable under plan coverage shall be reduced by all amounts paid or payable through any other health insurance, or insurance arrangement, and by all hospital and medical expense benefits paid or payable under any workers compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(2) The association shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not covered expenses. Benefits due from the plan may be reduced or refused as a set-off against any amount recoverable under this section.

New Sec. 8. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which is delivered, issued for delivery, amended or renewed on or after July 1, 2011, shall exclude coverage for elective abortions, unless the procedure is necessary to preserve the life of the mother. Coverage for abortions may be obtained through an optional
rider for which an additional premium is paid. The premium for the optional rider shall be calculated so that it fully covers the estimated cost of covering elective abortions per enrollee as determined on an average actuarial basis.

(b) No health insurance exchange established within this state or any health insurance exchange administered by the federal government or its agencies within this state shall offer health insurance contracts, plans, or policies that provide coverage for elective abortions, nor shall any health insurance exchange operating within this state offer coverage for elective abortions through the purchase of an optional rider.

(c) For the purposes of this section:

(1) “Abortion” means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child and which causes the premature termination of the pregnancy.

(2) “Elective” means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death.

(d) The provisions of this section shall be effective from and after July 1, 2011.

Sec. 9. From and after July 1, 2011, K.S.A. 2010 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and, 40-2,184 and section 8, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and 40-2,184 and section 8, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

New Sec. 11. From and after July 1, 2011, any provisions of section 8, and amendments thereto, or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of such section which can be given effect without the invalid provisions or application, and to this end, the provisions of section 8, and amendments thereto, are severable.


Sec. 13. K.S.A. 40-2122 and 40-2124 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 25, 2011.
Published in the Kansas Register June 2, 2011.
Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2010 Supp. 25-4501 is hereby amended to read as follows: 25-4501. (a) Subject to the provisions of this section, there shall be held a presidential preference primary election in the year 2012, and every fourth year thereafter.

(b) On or before November 1, 2011, and on or before November 1 every fourth year thereafter, the secretary of state shall certify to the governor, to the chief clerk of the house of representatives and to the secretary of the senate a common date in the next succeeding year on which at least five other states will hold a presidential preference primary election, a delegate or mass convention or a caucus of qualified voters at which delegates to a national convention are selected. On or before each such date, if the secretary of state determines that there is no common date on which at least five states are conducting such a selection process in the next succeeding year, the secretary of state shall certify to the governor, the chief clerk of the house of representatives and the secretary of the senate on a date, which shall be on or before the first Tuesday in April of the next following year, on which the presidential preference primary election shall be held.

(c) The date certified by the secretary of state pursuant to subsection (b) shall be the date on which the presidential preference primary election authorized by subsection (a) shall be held in the state of Kansas.

Sec. 2. K.S.A. 25-4502 is hereby amended to read as follows: 25-4502. (a) Every registered elector who has declared such elector’s party affiliation with a political party eligible to participate in a state primary election shall have the opportunity to vote one vote at a presidential preference primary election for such elector’s preference for one person to be the candidate for nomination by such candidate’s party for president of the United States or for “none of the names shown.” Any registered elector who has not declared such candidate’s party affiliation prior to the election may make such a declaration at the polling place, and thereupon shall be permitted likewise the opportunity to vote one vote at the presidential preference primary. A vote for “none of the names shown” shall express the preference for an uncommitted delegation from Kansas to the national convention of that
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elector’s party. Preference shall be indicated by marking with a cross or check mark inside a voting square or a darkened oval on the ballot at the left of the voter’s choice, or by voting by using a voting machine.

(b) The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only if, not later than twelve o’clock 12 noon, February 12 prior to on the date which precedes by seven weeks the date of the presidential preference primary or, if such date falls on Saturday, Sunday or a holiday, not later than twelve o’clock 12 noon the following day that is not a Saturday, Sunday or holiday:

(1) The candidate files with the secretary of state a declaration of intent to become a candidate accompanied by a fee of $100; or

(2) there is filed in the office of secretary of state a petition in the form prescribed by K.S.A. 25-205, and amendments thereto, signed by not less than 1,000 registered electors, who are affiliated with the political party of such candidate as shown by the party affiliation list. The secretary of state shall determine the sufficiency of each such petition, and such determination shall be final.

Sec. 3. K.S.A. 25-4503 is hereby amended to read as follows: 25-4503.

(a) The names of the candidates for nomination for president of the United States by a political party eligible to participate in a state primary election shall be printed on the official ballots for the presidential preference primary elections of their respective parties along with the choice of “none of the names shown.” The ballots shall be marked, returned and canvassed in the same manner and under the same conditions, so far as the same are applicable, as in the case of the primary election of candidates for nomination for state offices.

(b) The official presidential preference primary election ballots shall be printed in a single column and shall have the following heading:

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY ELECTION BALLOT

To vote for a person whose name is printed on the ballot make a cross or check mark in the square, or darken the oval, to the left of the name of the person for whom you desire to vote. To vote for “none of the names shown” make a cross or check mark in the square, or darken the oval, to the left of such words.

This shall be followed by the names of the candidates for president of the United States of such party in the manner and order certified by the secretary of state.

(c) As soon as possible after February 12 the candidate filing deadline, the secretary of state shall certify to each county election officer the name of each person who is a candidate for nomination to be president of the United States of each party authorized to participate in the presidential preference primary election. The secretary of state shall publish, not less than 21 days prior to the presidential preference primary, a notice in one newspaper in each county of the state where a newspaper is published, that
the official list of candidates and the date of the election can be acquired in the office of the secretary of state or the office of the county election officer.

(d) When a party participating in the presidential preference primary election has more than one candidate, the secretary of state shall determine by lot the order in which the candidates’ names will appear on the ballot. The order of names, as established by the secretary of state, shall be uniform in each county throughout the state.

Sec. 4. K.S.A. 2010 Supp. 25-205, as amended by section 1 of 2011 Senate Bill 125, is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12 noon, June 1, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

 I, the undersigned, an elector of the county of ____________, and state of Kansas, and a duly registered voter, and a member of _______ party, hereby nominate ____________, who resides in the township of _______ (or at number _______ on _______ street, city of _______), in the county of _______ and state of Kansas, as a candidate for the office of (here specify the office) _______ to be voted for at the primary election to be held on the first Tuesday in August in _______ as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

<table>
<thead>
<tr>
<th>Name of Signers.</th>
<th>Street Number or Rural Route</th>
<th>Name of City.</th>
<th>Date of Signing.</th>
</tr>
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<tbody>
<tr>
<td>(as registered).</td>
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person’s signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein.
required and if ditto marks are used to indicate address they shall be con-
tinuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the
same county and election district of the office sought. The affidavit de-
scribed in this paragraph of a petition circulator who is a resident of the
state of Kansas and has the qualifications of an elector in the state of Kansas
or of the candidate shall be appended to each petition and shall contain, at
the end of each set of documents carried by each circulator, a verification,
signed by the circulator or the candidate, to the effect that such circulator
or the candidate personally witnessed the signing of the petition by each
person whose name appears thereon.

(e) Except as otherwise provided in subsection (g), nomination peti-
tions shall be signed:

1. If for a state officer elected on a statewide basis or for the office of
United States senator, by voters equal in number to not less than 1% of the
total of the current voter registration of the party designated in the state as
compiled by the office of the secretary of state;

2. If for a state or national officer elected on less than a statewide
basis, by voters equal in number to not less than 2% of the total of the
current voter registration of the party designated in such district as compiled
by the office of the secretary of state, except that for the office of district
magistrate judge, by not less than 2% of the total of the current voter reg-
istration of the party designated in the county in which such office is to be
filled as certified to the secretary of state in accordance with K.S.A. 25-
3302, and amendments thereto;

3. If for a county office, by voters equal in number to not less than
3% of the total of the current voter registration of the party designated in
such district or county as compiled by the county election officer and cer-
tified to the secretary of state in accordance with K.S.A. 25-3302, and
amendments thereto; and

4. If for a township office, by voters equal in number to not less than
3% of the total of the current voter registration of the party designated in
such township as compiled by the county election officer and certified to
the secretary of state in accordance with K.S.A. 25-3302, and amendments
thereto.

(f) Subject to the requirements of K.S.A. 25-202, and amendments
thereto, any political organization filing nomination petitions for a majority
of the state or county offices, as provided in this act, shall have a separate
primary election ballot as a political party and, upon receipt of such nom-
imination petitions, the respective officers shall prepare a separate state and
county ballot for such new party in their respective counties or districts
thereof in the same manner as is provided for existing parties.

(g) In any year in which districts are reapportioned for the offices of
representative in the United States congress, senator and representative in
the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before May 10, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the district as compiled by the office of the secretary of state.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after May 11, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:

(A) For the office of representative in the United States congress .................................................. 1,000 registered voters;
(B) for the office of member of the state board of education ........ 300 registered voters;
(C) for the office of state senator ................................ 75 registered voters; and
(D) for the office of state representative ................................ 25 registered voters.

(h) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before June 10, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12 noon on June 24, or if such date falls on a Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or holiday.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after June 11, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12 noon on July 12, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

Sec. 5. K.S.A. 2-624, as amended by section 2 of 2011 Senate Bill 125, is hereby amended to read as follows: 2-624. (a) The governing body of each extension district shall be composed of four representatives from each county included in the extension district. At the conclusion of the terms of the members first appointed to membership on the governing body of the district, the four members representing each county in an extension district shall be elected in a county-wide election by the qualified electors of the county.

(b) At the conclusion of the terms of the members first appointed to membership on the governing body of the district, each member of the
governing body shall hold office for a term of four years and until such member’s successor is elected and qualified. Each such term of office shall commence on the date of receipt of certification of election by the member elected and shall continue until the member’s successor is elected and qualified.

(c) (1) Except as otherwise provided in this act, an election to elect successors to members of the governing body whose terms are expiring shall be held on the first Tuesday in April in each odd-numbered year.

(2) Elections to choose members of the governing body of an extension district shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections except as otherwise provided by this act. Not later than 12 noon of the Wednesday next following the Tuesday, 10 weeks preceding the first Tuesday in April in odd-numbered years, each person desiring to be a candidate for membership on the governing body, in any election, shall file a declaration of candidacy with the county election officer of the county represented by the member of the governing body whose successor is to be elected, as a candidate in such election. The county election officer in making up the ballots and in placing the names thereon shall place the names on the ballots in alphabetical order.

(3) The county election officer of each county within the extension district shall appoint election boards as provided by law for other elections and shall designate places for holding the election. The county election officer shall cause to be ascertained the names of all persons within the district who are qualified electors, and shall furnish lists thereof to the judges of the election. Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper published in the county and posted in a conspicuous place in the office of the governing body at least five days before the holding thereof.

(4) All election expenses shall be paid by the extension district. Election officials shall receive the same compensation as provided under the general election laws.

(d) Any vacancy in the membership of the governing body of an extension district shall be filled by appointment by the governing body for the unexpired term of office. Each member so appointed shall be a resident of the county which was represented by the member creating the vacancy.

(e) The governing body of each extension district shall organize annually in July by electing from among its members a chairperson, vice-chairperson, secretary and treasurer.

Sec. 6. On and after January 1, 2012, K.S.A. 2010 Supp. 8-1324, as amended by section 1 of 2011 House Bill No. 2067, is hereby amended to read as follows: 8-1324. (a) Any resident who does not hold a current valid Kansas driver’s license may make application to the division of vehicles and be issued one identification card.
(b) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant’s full legal name and date of birth, and documentation showing the applicant’s name, the applicant’s address of principal residence and the applicant’s social security account number. The applicant’s social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments thereto, or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant’s authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver’s license unless such driver’s license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver’s license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.
(g) (1) The division shall require payment of a fee of $14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only $10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) The division shall not require or accept payment of application or photo fees under this subsection for any person 17 years of age or older for purposes of meeting the voter identification requirements of K.S.A. 25-2908, and amendments thereto. Such person shall:

(A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto; and

(B) Such person shall also produce evidence that such person is registered to vote in Kansas.

(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

(1) The person owns, leases or rents a place of domicile in this state;
(2) the person engages in a trade, business or profession in this state;
(3) the person is registered to vote in this state;
(4) the person enrolls the person’s child in a school in this state; or
(5) the person registers the person’s motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.

(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identifi-
cation card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2010 Supp. 75-455, and amendments thereto.

Sec. 7. On and after January 1, 2012, K.S.A. 2010 Supp. 25-1122d, as amended by section 3 of 2011 House Bill No. 2067, is hereby amended to read as follows: 25-1122d. (a) The application for an advance voting ballot to be transmitted by mail shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of __________ and State of Kansas Desiring to Vote an Advance Voting Ballot

State of __________, County of __________ ss:

I, __________, do solemnly affirm under penalty of perjury that I am a qualified elector of the precinct of the __________ ward, residing at number __________ on __________ street, city of __________, or in the township of __________, county of __________, and state of Kansas. My date of birth is __________. (month/day/year).

I understand that a current and valid Kansas driver’s license number or Kansas nondriver’s identification card number must be provided in order to receive a ballot. If I do not have a current and valid Kansas driver’s license number or Kansas nondriver’s identification card number, I must provide one of the following forms of identification with this application in order to receive a ballot:

1. A copy of any one of the following types of photographic identification: A driver’s license issued by Kansas or by another state or district of the United States, a state identification card issued by Kansas or by another state or district of the United States, a concealed carry of handgun license issued by Kansas or a concealed carry of handgun or weapon license issued by another state or district of the United States, a United States passport, an employee badge or identification document issued by a municipal, county, state, or federal government office or agency, a military identification document issued by the United States, a student identification card issued by an accredited post secondary institution of education in the state of Kansas, or a public assistance identification card issued by a municipal, county, state, or federal government office or agency.

I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on __________ (date). My political party is __________ (to be filled in only when requesting primary election ballots). I desire my ballots to be sent to the following address:

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(b) The application for an advance voting ballot to be transmitted in person shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of __________ and State of Kansas Desiring to Vote an Advance Voting Ballot

State of __________, County of __________ ss:

I, __________, do solemnly affirm under penalty of perjury that I am a qualified elector of the __________ precinct of the __________ ward, residing at number __________ on __________ street, city of __________.
or in the township of ________, county of ________ and state of Kansas. My
date of birth is ________  (month/day/year).

I am entitled to vote an advance voting ballot and I have not voted and will not otherwise
vote at the election to be held on ________ (date). My political party is ________
(to be filled in only when requesting primary election ballots).

____________________________
Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(c) An application for permanent advance voting status shall be on a
form prescribed by the secretary of state for this purpose. Such application
shall contain an affirmation concerning substantially the same information
required in subsection (a) and in addition thereto a statement regarding the
permanent character of such illness or disability.

(d) Any application by a former precinct resident shall state both the
former and present residence, address, precinct and county of such former
precinct resident and the date of change of residence.

(e) The secretary of state may adopt rules and regulations in order to
implement the provisions of this section.

amended by section 13 of 2011 House Bill No. 2067, is hereby amended
to read as follows: 65-2418. (a) (1) The secretary shall fix and charge by
rules and regulations the fees to be paid for certified copies or abstracts of
certificates or for search of the files for birth, death, fetal death, marriage
or divorce records when no certified copy or abstract is made. Except as
otherwise provided in this section, the secretary shall remit all moneys
received by or for the secretary from fees, charges or penalties, under the
uniform vital statistics act, and amendments thereto, to the state treasurer
in accordance with the provisions of K.S.A. 75-4215, and amendments
thereto. Upon receipt of each such remittance, the state treasurer shall de-
posit the entire amount in the state treasury to the credit of the civil regis-
tration and health statistics fee fund created by K.S.A. 2010 Supp. 65-
2418e, and amendments thereto.

(2) The secretary shall not charge any fee for a certified copy of a
certificate or abstract or for a search of the files or records if the certificate,
abstract or search is requested by a person who exhibits correspondence
from the United States department of veterans affairs or the Kansas com-
mission on veterans affairs which indicates that the person is applying for
benefits from the United States department of veterans affairs and that such
person needs the requested information to obtain such benefits, except that,
for a second or subsequent certified copy of a certificate, abstract or search
of the files requested by the person, the usual fee shall be charged. The
secretary may provide by rules and regulations for exemptions from such
fees.

(3) The secretary shall not charge or accept any fee for a certified copy
of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of meeting the voter registration requirements of K.S.A. 25-2309, and amendments thereto. Such person shall swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The secretary shall adopt rules and regulations in order to implement the provisions of this subsection.

(4) Upon receipt of any such remittance of a fee for a certified copy of a birth certificate or abstract, $3 of each such fee for the first copy of a birth certificate or abstract and $1 of each such fee for each additional copy of the same birth certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. The balance of the money received for a fee for a certified copy of a birth certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created under this act.

(5) Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, $4 of each such fee for the first certified copy of a death certificate or abstract and $2 of each such fee for each additional copy of the same death certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a certified copy of a death certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

(b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by
the national office of vital statistics unless so authorized by the state registrar of vital statistics.

Sec. 9. On and after January 1, 2012, K.S.A. 25-208a, as amended by section 16 of 2011 House Bill No. 2067, is hereby amended to read as follows: 25-208a. (a) Within 10 days, Saturdays, Sundays and holidays not included, from the date of the filing of nomination petitions or a declaration of intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days, including Saturdays, Sundays and holidays, of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.

(b) Within three days from the date of the filing of nomination petitions or a declaration of intention to become a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such petitions or declaration.

(c) If any nomination petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the petitions or declaration was filed that such nomination petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the secretary of state or the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

Sec. 10. K.S.A. 2010 Supp. 25-2021 is hereby amended to read as follows: 25-2021. (a) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of school district board members shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are board members to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general school board election ballot. In school districts in which a member district method of election is in effect, if there are more than three qualified candidates for any member position in any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall
appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(b) In school districts in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are board members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are board members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are board members to be elected, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) If a member is to be elected to fill an unexpired term, the office shall be listed separately on the ballots. If there are more than three candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for the unexpired term of any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

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

Sec. 11. K.S.A. 25-2102 is hereby amended to read as follows: 25-2102. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, the elections held for officers on the first Tuesday in April, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held on the first Tuesday in August of even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.
(c) District method means the election of city officers where the city is divided into member districts or wards.

(d) Election at large method means the election of city officers without member districts or wards.

Sec. 12. K.S.A. 2010 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) or subsection (c) of this section.

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

(b) In cities in which a district method of election is in effect, if there are more than three qualified candidates for any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any such member district at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member district there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) In cities in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

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

Sec. 13. K.S.A. 2010 Supp. 71-1415 is hereby amended to read as follows: 71-1415. (a) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of trustees shall be held unless by
holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are trustees to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot for the board of trustees.

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

In college districts in which a district method of election is in effect, if there are more than three qualified candidates for any member position, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(b) In college districts in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are trustees to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are trustees to be elected who receive the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are trustees to be elected, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) If a member is to be elected to fill an unexpired term, the office shall be listed separately on the ballots. If there are more than three candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for the unexpired term of any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

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

Sec. 14. K.S.A. 2010 Supp. 24-139a is hereby amended to read as follows: 24-139a. The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms. Notwithstanding the provisions of K.S.A. 24-409 and 24-412, and amendments thereto, at the election of the board of directors of drainage district No. 2 of Finney county, Kansas, in 2013, one director shall be elected for a two-year term and two directors shall be elected for four-year terms. Prior to such election, the board of directors shall determine which board position shall have a term of two years and notify the county election officer. Election of directors thereafter shall be for four-year terms as provided in K.S.A. 24-409 and 24-412, and amendments thereto.

Sec. 15. K.S.A. 2010 Supp. 24-409 is hereby amended to read as follows: 24-409. (a) All powers granted to drainage districts incorporated under the provisions of this act shall be exercised by a board of directors consisting of three persons. Except as provided in K.S.A. 24-412 and K.S.A. 2010 Supp. 24-139a, and amendments thereto, the directors shall hold their offices for four years and until their successors are elected or appointed, as the case may be, and qualified, and shall be chosen at the time and in the manner provided by law.

(b) Members of the board of directors shall be owners of land located in the drainage district and shall reside in the county in which the district is located or, if the district is located in more than one county, a county in which any portion of the district is located, except:

(1) If there are no residents within the drainage district who are owners of land within the district, any owner of land located within the district shall be a qualified voter and shall be eligible to hold the office of director; and

(2) a director shall be either an owner of or a tenant on land located within the drainage district whenever: (A) The drainage district is located within one county and the population of the county does not exceed 10,000; or (B) the drainage district is located in more than one county and the population of any such county does not exceed 10,000.

Sec. 16. K.S.A. 24-412 is hereby amended to read as follows: 24-412. (a) Subject to the provisions of subsection (b), except as otherwise provided in this section, an election to choose three directors in each district as their
successors, shall be held on the first Tuesday in April, 1983, and an election shall be held each four years thereafter, on the first Tuesday in April, to choose directors. Directors elected in any district in 1980 or 1981 shall hold their office until successors are elected and qualified at the election in April, 1983.

(b) On and after January 1, 2012, the board of directors of drainage district No. 2 of Finney county, Kansas, shall be elected as provided in K.S.A. 2010 Supp. 24-139a, and amendments thereto.

Sec. 17. K.S.A. 2010 Supp. 25-4148 is hereby amended to read as follows:

25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both with the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed electronically and only with the secretary of state. Reports filed by treasurers for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of $50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of polit-
ical materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of $50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of $100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:

(1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of $300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and

(B) the name and address of each candidate for state or local office who is the subject of an expenditure which:

(i) Is made without the cooperation or consent of a candidate or candidate committee;

(ii) expressly advocates the nomination, election or defeat of such candidate; and

(iii) is an aggregate amount or having a fair market value in excess of $300.

(2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.

(d) Treasurers of candidates and of candidate committees shall itemize
the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of $50 per event, or who purchases such a ticket or admission at a cost exceeding $25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(e) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, a description of the connection to or affiliation with such organization. If, the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(f) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions. The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(g) The commission may require any treasurer to file a report for any period for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(h) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate’s committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(i) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(j) Any report required by this section may be signed by the candidate in lieu of the candidate’s treasurer or the treasurer of the candidate’s committee.

New Sec. 18. (a) No candidate for elected office shall either appear in a public service announcement or advertisement or allow the candidate’s name to be used in a public service announcement or advertisement during a period beginning 60 days before any primary election in which the candidate’s name appears on the ballot and ending with the conclusion of the general election.

(b) As used in this section:

(1) “Public service announcement or advertisement” means any message broadcast by electronic, telephone or print media promoting or announcing some issue of public importance, public concern or public welfare
regardless of whether or not the announcement or advertisement involves the donation of time or space on behalf of the media or is paid for with public sector funds or private sector funds from the current contractor of the sponsoring government entity;

(2) “electronic media” shall not include the website for the government agency or other entity that administers the program promoted by the public service announcement or advertisement; and

(3) "print media" means direct mail literature and advertisements in any newspaper, magazine or any other periodical publication, but it shall not include printed literature promoting a program so long as it is used regularly throughout the year in the regular course of business and not distributed in an unsolicited direct mail advertising campaign at a cost exceeding $2,000 during a period beginning 60 days before any primary election in which the candidate’s name appears on the ballot and ending with the conclusion of the general election.

(c) Any candidate who intentionally violates this section shall be subject to the civil penalties provided by K.S.A. 25-4181, and amendments thereto.

(d) This act shall be part of and supplemental to the campaign finance act.

Sec. 19. K.S.A. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

(1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(2) Days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(3) the 20 days preceding the day of primary and general state elections;

(4) the 20 days preceding the day of primary city and school elections, if either has a primary;

(5) the 20 days preceding each first Tuesday in April of odd-numbered years, being the day of city and school general elections;

(6) the 20 days preceding the day of any election other than one specified in paragraphs (3), (4) and (5) of this subsection; and

(7) the day of any primary or general election or any question submitted election.

(b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.

(c) The secretary of state shall notify every county election officer of
the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general state, city and school election.

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers may provide for registration of voters until 9:00 p.m. in cities of the first and second class.

(e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 15th day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 15th day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

(f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.

(g) Before each primary and general election held in even-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.

Sec. 20. K.S.A. 25-321 is hereby amended to read as follows: 25-321. A person appointed to the office of state representative under the provisions of this act may hold the office for the remainder of the term. Any person appointed to the office of senator under the provisions of this act may hold the office: (a) If the vacancy occurs prior to October 15 of the second year of the term, until the next general election, when a senator shall be elected to fill the term; or (b) if such vacancy occurs after October 14 on or after May 1 of the second year of the term, for the remainder of the term. In cases where the appointment of a senator is until the next general election, nominations for senator to be elected at such general election shall be made as follows: (1) If the vacancy occurs prior to June 1 of the second year of the term, candidates for the office shall be nominated at the primary in like manner as regular nominations for state senator are made; and (2) if the vacancy occurs on or after June 1 and prior to October 15 of the second year of the term, candidates for the office shall be nominated by the
senatorial district party committee of any party having a state and national organization. Nomination and election of such successor shall be in the same manner as nomination and election of a senator for a regular term.


Sec. 23. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 25, 2011.

CHAPTER 113

HOUSE BILL No. 2139
(Amends Chapter 34)

An Act concerning insurance; relating to rates and rate modifications for workers compensation insurance; authorizing the state fair board to purchase workers compensation insurance; amending K.S.A. 40-954 and 40-2109 and K.S.A. 2010 Supp. 40-955, as amended by section 1 of 2011 House Bill No. 2074 and repealing the existing sections.

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

New Section 1. (a) Notwithstanding the provisions of K.S.A. 44-576, and amendments thereto, the state fair board is hereby authorized to purchase workers compensation insurance from an admitted carrier. Any contract for the purchase of workers compensation insurance entered into by the state fair board shall be purchased in the manner prescribed for the purchase of supplies, materials, equipment and contractual services as provided in K.S.A. 75-3738 through 75-3744, and amendments thereto, and any such contract having a premium or rate in excess of $500 shall be purchased on the basis of sealed bids. Such contract shall not be subject to the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2010 Supp. 75-4125, and amendments thereto.

(b) If the state fair board enters into a contract for the purchase of workers compensation insurance as described in subsection (a), from and after the end of the payroll period in which such workers compensation policy takes effect, the state fair board shall not be subject to the self-insurance assessment prescribed by K.S.A. 44-576, and amendments
thereof, and the director of accounts and reports shall cease to transfer any amounts for such self-assessment for the state fair board pursuant to such statute, except that any moneys paid relating to existing claims with the state workers compensation self-insurance fund made by the state fair board shall be assessed to the state fair board until all such claims have been closed and settled.

(c) Notwithstanding the provisions of K.S.A. 44-575, and amendments thereto, if the state fair board enters into a contract for the purchase of workers compensation insurance as described in subsection (a), the state workers compensation self-insurance fund shall not be liable for any compensation claims under the workers compensation act relating to the state fair board and arising during the term of such contract, or for any other amounts otherwise required to be paid under the workers compensation act during the term of such contract.

(d) The state fair board shall notify the secretary of administration and the Kansas health policy authority of the effective date of any workers compensation policy acquired pursuant to this section.

Sec. 2. K.S.A. 2010 Supp. 40-955, as amended by section 1 of 2011 House Bill No. 2074, is hereby amended to read as follows: 40-955. (a) Every insurer shall file with the commissioner, except as to inland marine risks where general custom of the industry is not to use manual rates or rating plans, every manual of classifications, rules and rates, every rating plan, policy form and every modification of any of the foregoing which it proposes to use. Every such filing shall indicate the proposed effective date and the character and extent of the coverage contemplated and shall be accompanied by the information upon which the insurer supports the filings. A filing and any supporting information shall be open to public inspection after it is filed with the commissioner, except that disclosure shall not be required for any information contained in a filing or in any supporting documentation for the filing when such information is either a trade secret or copyrighted. For the purposes of this section, the term “trade secret” shall have the meaning ascribed to it in K.S.A. 60-3320, and amendments thereto. An insurer may satisfy its obligations to make such filings by authorizing the commissioner to accept on its behalf the filings made by a licensed rating organization or another insurer. Nothing contained in this act shall be construed to require any insurer to become a member or subscriber of any rating organization.

(b) Certificate of insurance forms must be filed with the commissioner of insurance and approved prior to use. Notwithstanding the “large risk” filing exemption in subsection (j), a certificate of insurance cannot be used to modify, alter or amend the insurance policy it describes. The certificate of insurance shall contain the following or similar language: The certificate of insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by the policies listed thereon. An industry standard
setting organization may be authorized by the commissioner of insurance to file certificate of insurance forms on behalf of authorized insurers.

(c) Any rate filing for the basic coverage required by K.S.A. 40-3401 et seq. and amendments thereto, loss costs filings for workers compensation, and rates for assigned risk plans established by article 21 of chapter 40 of the Kansas Statutes Annotated or rules and regulations established by the commissioner shall require approval by the commissioner before its use by the insurer in this state. As soon as reasonably possible after such filing has been made, the commissioner shall in writing approve or disapprove the same, except that any filing shall be deemed approved unless disapproved within 30 days of receipt of the filing.

(d) Any other rate filing, except personal lines filings, shall become effective on filing or any prospective date selected by the insurer, subject to the commissioner disapproving the same if the rates are determined to be inadequate, excessive, unfairly discriminatory or otherwise fails to meet the requirements of this act. Personal lines rate filings shall be on file for a waiting period of 30 days before becoming effective, subject to the commissioner disapproving the same if the rates are determined to be inadequate, excessive, unfairly discriminatory or otherwise fail to meet requirements of this act. The term “personal lines” shall mean insurance for noncommercial automobile, homeowners, dwelling fire-and-renters insurance policies, as defined by the commissioner by rules and regulations. A filing complies with this act unless it is disapproved by the commissioner within the waiting period or pursuant to subsection (f).

(e) In reviewing any rate filing the commissioner may require the insurer or rating organization to provide, at the insurer’s or rating organization’s expense, all information necessary to evaluate the reasonableness of the filing, to include payment of the cost of an actuary selected by the commissioner to review any rate filing, if the department of insurance does not have a staff actuary in its employ.

(f) (1) (A) If a filing is not accompanied by the information required by this act, the commissioner shall promptly inform the company or organization making the filing. The filing shall be deemed to be complete when the required information is received by the commissioner or the company or organization certifies to the commissioner the information requested is not maintained by the company or organization and cannot be obtained.

(B) If the commissioner finds a filing does not meet the requirements of this act, the commissioner shall send to the insurer or rating organization that made the filing, written notice of disapproval of the filing, specifying in what respects the filing fails to comply and stating the filing shall not become effective.

(C) If at any time after a filing becomes effective, the commissioner finds a filing does not comply with this act, the commissioner shall after a hearing held on not less than 10 days’ written notice to every insurer and rating organization that made the filing issue an order specifying in what
respects the filing failed to comply with the act, and stating when, within a reasonable period thereafter, the filing shall be no longer effective. Copies of the order shall be sent to such insurer or rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

(2) (A) In the event an insurer or organization has no legally effective rate because of an order disapproving rates, the commissioner shall specify an interim rate at the time the order is issued. The interim rate may be modified by the commissioner on the commissioner’s own motion or upon motion of an insurer or organization.

(B) The interim rate or any modification thereof shall take effect prospectively in contracts of insurance written or renewed 15 days after the commissioner’s decision setting interim rates.

(C) When the rates are finally determined, the commissioner shall order any overcharge in the interim rates to be distributed appropriately, except refunds to policyholders the commissioner determines are de minimis may not be required.

(3) (A) Any person or organization aggrieved with respect to any filing that is in effect may make written application to the commissioner for a hearing thereon, except that the insurer or rating organization that made the filing may not proceed under this subsection. The application shall specify the grounds to be relied on by the applicant.

(B) If the commissioner finds the application is made in good faith, that the applicant would be so aggrieved if the applicant’s grounds are established, and that such grounds otherwise justify holding such a hearing, the commissioner shall, within 30 days after receipt of the application, hold a hearing on not less than 10 days’ written notice to the applicant and every insurer and rating organization that made such filing.

(C) Every rating organization receiving a notice of hearing or copy of an order under this section, shall promptly notify all its members or subscribers affected by the hearing or order. Notice to a rating organization of a hearing or order shall be deemed notice to its members or subscribers.

(g) No insurer shall make or issue a contract or policy except in accordance with filings which have been filed or approved for such insurer as provided in this act.

(1) On an application for personal motor vehicle insurance where the applicant has applied for collision or comprehensive coverage, the applicant shall be allowed to identify a lienholder listed on the certificate of title for the motor vehicle described in the application.

(2) On an application for property insurance on real property, the applicant shall be allowed to identify a mortgagee listed on a mortgage for the real property described in the application.

(h) The commissioner may adopt rules and regulations to allow suspension or modification of the requirement of filing and approval of rates as to any kind of insurance, subdivision or combination thereof, or as to
classes of risks, the rates for which cannot practicably be filed before they are used.

(i) Except for workers compensation and employer’s liability line, the following categories of commercial lines risks are considered special risks which are exempt from the filing requirements in this section: (1) Risks that are written on an excess or umbrella basis; (2) commercial risks, or portions thereof, that are not rated according to manuals, rating plans, or schedules including "a" rates; (3) large risks; and (4) special risks designated by the commissioner, including but not limited to risks insured under highly protected risks rating plans, commercial aviation, credit insurance, boiler and machinery, inland marine, fidelity, surety and guarantee bond insurance risks.

(j) For the purposes of this subsection, "large risk" means: (1) An insured that has total insured property values of $5,000,000 or more; (2) an insured that has total annual gross revenues of $10,000,000 or more; or (3) an insured that has in the preceding calendar year a total paid premium of $50,000 or more for property insurance, $50,000 or more for general liability insurance, or $100,000 or more for multiple lines policies.

(k) The exemption for any large risk contained in subsection (h) shall not apply to workers compensation and employer’s liability insurance, insurance purchasing groups, and the basic coverage required by K.S.A. 40-3401 et seq., and amendments thereto.

(l) Underwriting files, premium, loss and expense statistics, financial and other records pertaining to special risks written by any insurer shall be maintained by the insurer and shall be subject to examination by the commissioner.

(m)(1) Any entity that purchases a workers compensation policy for the covered employees of more than one employer pursuant to a shared employment relationship with each employer must purchase the workers compensation policy on a separate multiple coordinate policy basis. Such workers compensation policies must be issued pursuant to K.S.A. 44-501 et seq., and amendments thereto, from an insurer holding a certificate of authority to do business in this state and providing workers compensation coverage.

(2) The commissioner of insurance may allow an insurer to issue coverage through a master policy if the commissioner is satisfied that the insurer is able to track and report individual client experience to the advisory organization in an acceptable fashion. All such master policies must be filed with the commissioner for prior approval.

(3) The commissioner of insurance shall be authorized to adopt such rules and regulations as are reasonable and necessary to carry out the purpose and the provisions of this subsection.

Sec. 3. K.S.A. 40-2109 is hereby amended to read as follows: 40-2109. Every insurer undertaking to transact in this state the business of either
workers compensation or employer’s liability insurance or both, and every rating organization which files rates for such insurance shall cooperate in the preparation and submission to the commissioner of insurance of a plan or plans, for the equitable apportionment among insurers of applicants for insurance who are in good faith, entitled to but who are unable to procure through ordinary methods, such insurance. Such plan or plans shall provide:

(a) Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers;

(b) rates and rate modifications applicable to such risks which shall be reasonable, adequate and not unfairly discriminatory;

(c) a method whereby applicants for insurance, insured and insurers may have a hearing on grievances and the right of appeal to the commissioner;

(d) for every such plan or plans, there shall be a governing board to be appointed by the commissioner of insurance which shall meet at least annually to review and prescribe operating rules, and which shall consist of the following members:

(1) Seven members who shall be appointed as follows: Three of such members shall be representatives of foreign insurance companies, two members shall be representatives of domestic insurance companies and two members shall be licensed independent insurance agents. Such members shall be appointed for a term of three years, except that the initial appointment shall include two members appointed for a two-year term and two members appointed for a one-year term, as designated by the commissioner; and

(2) Two members representative of the general public interest with such members to be appointed for a term of two years.

The commissioner shall review the plan as soon as reasonably possible after filing in order to determine whether it meets the requirements set forth in subsections (a) and (c) above. As soon as reasonably possible after the plan has been filed the commissioner shall in writing approve or disapprove the same, except that any plan shall be deemed approved unless disapproved within 45 days. Subsequent to the waiting period the commissioner may disapprove any plan on the ground that it does not meet the requirements set forth in subsections (a), (b) and (c) above, but only after a hearing held upon not less than 10 days’ written notice to every insurer and rating organization affected specifying the matter to be considered at such hearing, and only by an order specifying in what respect the commissioner finds that such plan fails to meet such requirements and stating when within a reasonable period thereafter such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period set forth in such order. Amendments to such plan or plans shall be prepared, and filed and reviewed in the same manner as herein provided with respect to the original plan or plans.

If no plan meeting the standards set forth in subsections (a), (b) and (c)
is submitted to the commissioner within the period stated in any order, disapproving an existing plan the commissioner shall, if necessary to carry out the purpose of this section after hearing, prepare and promulgate a plan meeting such requirements. When such plan or plans or amendments thereto have been approved or promulgated, no insurer shall thereafter issue a policy of workers compensation or employer’s liability insurance or undertake to transact such business in this state unless such insurer shall participate in such an approved or promulgated plan. If, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner finds that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this section the commissioner may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this section and requiring discontinuance of such activity or practice.

(e) The commissioner shall approve rates and rate modifications for each plan that provides workers compensation insurance pursuant to this section which, over a period of time, but no later than January 1, 1997, will reduce the assessments levied by the plan to less than 10%. If the commissioner finds that the percentage of the total Kansas workers compensation premium volume written by the plan has not decreased below 20% of the total amount of such premium volume by December 31, 1998, the provisions of this subsection shall no longer apply and the commissioner may cause the governing board of the plan to file new rates and rate modifications pursuant to this section. Notwithstanding the foregoing provisions of this subsection, the commissioner shall not approve rates or rating plans which produce rates or premiums for risks with less than $2,250 annual premium that are higher than those which would be applied to such risks in the voluntary market, except that this provision shall not prohibit the application of surcharges, experience modifications or other rating variables based on the claims experience of individual risks.

Sec. 4. K.S.A. 40-954 is hereby amended to read as follows: 40-954. In determining whether rates are not excessive or inadequate or not unfairly discriminatory:

(a) Due consideration shall be given to:

(1) Past and prospective loss and expense experience within and outside the state;
(2) catastrophe hazards and contingencies;
(3) trends within and outside this state;
(4) loadings for leveling premium rates over time;
(5) dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers and the investment income of the insurer; and
(6) all other relevant factors within and outside the state, including the
judgment of technical personnel.
(b) The expense provisions included in the rates to be used by an insurer
may reflect the operating methods of the insurer, or group of insurers, and,
so far as it is credible, its own expense experience.
(c) Risks may be classified in any reasonable way for the establishment
of rates and minimum premiums, except that no classification may be based
on race, color, creed or national origin and classifications in automobile
insurance may not be based on physical disability of an insured. Rates thus
produced may be modified for individual risks in accordance with rating
plans, schedules, except for workers compensation, individual risk premium
modification plans and expense reduction plans that establish reasonable
standards for measuring probable variations in experience, hazards, ex-
penses or any combination of those factors.
Such standards shall permit recognition of expected differences in loss
or expense characteristics, and shall be designed so that such plans are
reasonable and equitable in their application, and are not unfairly discrimi-

tory, violative of public policy or otherwise contrary to the best interests
of the people of this state. This section shall not prevent the development
of new or innovative rating methods which otherwise comply with this act.
(d) Rates may be modified for individual risks, upon written application
of the insured, stating the insured’s reasons therefore, filed with and not
disapproved by the commissioner within 10 days after filings.
(e) The rates may contain provisions for contingencies and an allow-
ance permitting a reasonable profit. In determining the reasonableness
of the profit, consideration shall be given to the investment income attributable
to the line of insurance.
(f) The commissioner may by rule exempt any person or class of per-
sons, line of insurance, or any market segment from any or all of the pro-
visions of this chapter, if and to the extent that the commissioner finds their
application unnecessary to achieve the purposes of this act.
(g) Once it has been filed, use of any rating plan shall be mandatory
and such plan shall be applied uniformly for eligible risks in a manner that
is not unfairly discriminatory.
Sec. 5. K.S.A. 40-954 and 40-2109 and K.S.A. 2010 Supp. 40-955, as
amended by section 1 of 2011 House Bill No. 2074, are hereby repealed.
Sec. 6. This act shall take effect and be in force from and after its
publication in the statute book.

Approved May 25, 2011.
CHAPTER 114

HOUSE BILL No. 2182
(Amends Chapter 30)


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

New Section 1. (a) Sections 1 though 6, and amendments thereto, shall be known and may be cited as the pharmacy audit integrity act.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 2. (a) As used in this act, “pharmacy benefits manager” or “PBM” means a person, business or other entity that performs pharmacy benefits management. The term includes a person or entity acting for a PBM in contractual or employment relationship in the performance of pharmacy benefits management for a managed care company, not-for-profit hospital or medical service organization, insurance company, third-party payor or health program administered by the state board of pharmacy.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 3. (a) The entity conducting the audit shall follow the following procedures:

(1) An entity conducting an on-site audit must give the pharmacy at least seven days written notice before conducting an initial audit;

(2) an audit that involves clinical or professional judgment must be conducted by or in consultation with a licensed pharmacist;

(3) the period covered by the audit may not exceed two years from the date that the claim was submitted to or adjudicated by the entity;

(4) the pharmacy may request an extension not to exceed seven days from the date of an originally scheduled on-site audit;

(5) the pharmacy may use the records of a hospital, physician or other authorized practitioner to validate the pharmacy record;

(6) any legal prescription, in compliance with the requirements of the state board of pharmacy, may be used to validate claims in connection with prescriptions, refills or changes in prescriptions;
(7) each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies; and
(8) the entity conducting the audit must establish a written appeals process.

(b) The entity conducting the audit shall also comply with the following requirements:

(1) A finding of overpayment or underpayment must be based on the actual overpayment or underpayment and not a projection based on the number of patients served having a similar diagnosis or on the number of similar orders or refills for similar drugs;
(2) the entity conducting the audit shall not use extrapolation in calculating the recoupments or penalties for audits, unless required by state or federal contracts;
(3) the auditing company or agent may not receive payment based on a percentage of the amount recovered, unless required by contracts; and
(4) interest may not accrue during the audit period.

(c) This section shall take effect on and after July 1, 2011.

New Sec. 4. (a) Any preliminary audit report must be delivered to the pharmacy within 60 days after the conclusion of the audit. Any pharmacy shall be allowed at least 30 days following receipt of the preliminary audit to provide documentation to address any discrepancy found in the audit. Any final audit report shall be delivered to the pharmacy within 120 days after receipt of the preliminary audit report or final appeal, whichever is later.

(b) Recoupment of any disputed funds or repayment of funds to the entity by the pharmacy, if permitted pursuant to contracts, shall occur, to the extent demonstrated or documented in the pharmacy audit findings, after final internal disposition of the audit including the appeals process. If the identified discrepancy for an individual audit exceeds $20,000, any future payments to the pharmacy may be withheld pending finalization of the audit. Unless otherwise required by the federal or state law, any audit information may not be shared. Auditors shall only have access to previous audit reports on a particular pharmacy conducted by that same entity.

(c) This section shall take effect on and after July 1, 2011.

New Sec. 5. (a) Any auditing entity, upon request of the plan sponsor, shall provide a copy of the final report, including the disclosure of any money recouped in the audit. The pharmacy may provide a copy of the report to the commissioner of insurance, provided such report shall not contain any personally identifiable health information in violation of the provisions of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191).

(b) This section shall take effect on and after July 1, 2011.

New Sec. 6. (a) This act shall apply to contracts between an auditing entity and a pharmacy entered into, extended or renewed on or after the
effective date of this act. This act shall not apply to any audit, review or investigation that is initiated based upon suspected or alleged fraud, willful misrepresentation or abuse.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 7. (a) A resident of this state has the right to purchase health insurance or refuse to purchase health insurance. The government shall not interfere with a resident’s right to purchase health insurance or with a resident’s right to refuse to purchase health insurance.

(b) A resident of this state has the right to enter into a private contract with health care providers for lawful health care services. The government shall not interfere with a resident’s right to purchase lawful health care services.

(c) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

(d) No state agency, board, commission or any other governmental entity shall require an agreement to participate in medicare, medicaid or any other insurance plan, health care system or health information technology or benefit exchange as a condition for original application or renewal of license, registration or certification for a health care provider.

(e) No state agency, board, commission or any other governmental entity shall prohibit participation in a health information organization for any health information technology or benefit exchange purposes by a health care provider based on whether such health care provider participates in medicare, medicaid or any other insurance plans or health care systems.

(f) The government shall not enact a law that would restrict these rights or that would impose a form of punishment for exercising these rights. No provision of this section shall render a resident of this state liable for any punishment, penalty, assessment, fee or fine as a result of such resident’s failure to procure or obtain health insurance coverage or participate in any health care system or plan.

(g) As used in this section:

1. “Direct payment or pay directly” means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

2. “Health care provider” shall have the meaning provided in K.S.A. 40-3401, and amendments thereto.

3. “Health care system” means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.
(4) “Lawful health care services” means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

(5) “Penalties or fines” means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.

(h) This section shall be known and may be cited as the health care freedom act.

(i) This section shall take effect on and after July 1, 2011.

Sec. 8. On July 1, 2011, K.S.A. 2010 Supp. 65-1669 is hereby amended to read as follows: 65-1669. As used in the utilization of unused medications act:

(a) ‘‘Adult care home’’ has the same meaning as such term is defined in K.S.A. 39-923, and amendments thereto.

(b) ‘‘Community mental health center’’ has the same meaning as such term is defined in K.S.A. 75-3307c, and amendments thereto.

(c) ‘‘Donating entities’’ means adult care homes, mail service pharmacies and medical care facilities who elect to participate in the program.

(d) ‘‘Drug’’ has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.

(e) ‘‘Federally qualified health center’’ means a center which meets the requirements for federal funding under 42 U.S.C. § 1396d(1) of the public health service act, and amendments thereto, and which has been designated as a ‘‘federally qualified health center’’ by the federal government.

(f) ‘‘Indigent health care clinic’’ has the same meaning as such term is defined in K.S.A. 75-6102, and amendments thereto.

(g) ‘‘Mail service pharmacy’’ means a licensed Kansas pharmacy located within the state that ships, mails or delivers by any lawful means a lawfully dispensed medication in tamper-resistant packaging to residents of this state or another state.

(h) ‘‘Medical care facility’’ has the same meaning as such term is defined in K.S.A. 65-425, and amendments thereto.

(i) ‘‘Medically indigent’’ has the same meaning as such term is defined in K.S.A. 75-6102, and amendments thereto.

(j) ‘‘Medication’’ means a prescription drug or drug as defined by this section.

(k) ‘‘Mid-level practitioner’’ has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.

(l) ‘‘Practitioner’’ has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.
(m) “Prescription drug” means a drug which may be dispensed only upon prescription of a practitioner or mid-level practitioner authorized by law and which is approved for safety and effectiveness as a prescription drug under section 505 or 507 of the federal food, drug and cosmetic act (52 Stat. 1040 (1938), 21 U.S.C.A., section § 301), and amendments thereto.

(n) “Qualifying center or clinic” means an indigent health care clinic, federally qualified health center or community mental health center.

Sec. 9. On July 1, 2011, K.S.A. 2010 Supp. 65-1671 is hereby amended to read as follows: 65-1671. The following criteria shall be used in accepting unused medications for use under the utilization of unused medications act:

(a) The medications shall have come from a controlled storage unit of a donating entity;

(b) only medications in their original or pharmacist sealed unit dose packaging or hermetically sealed by the pharmacy in tamper evident packaging, unit of use or sealed, unused injectables shall be accepted and dispensed pursuant to the utilization of unused medications act;

(c) expired medications shall not be accepted;

(d) a medication shall not be accepted or dispensed if the person accepting or dispensing the medication has reason to believe that the medication is adulterated;

(e) no controlled substances shall be accepted; and

(f) subject to the limitation specified in this section, unused medications dispensed for purposes of a medical assistance program or drug product donation program may be accepted and dispensed under the utilization of unused medications act.

Sec. 10. On July 1, 2011, section 2 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 2. As used in the addictions counselor licensure act:

(a) “Board” means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.

(b) “Addiction counseling” means the utilization of special skills to assist persons with addictions, and to assist such persons’ families and friends to achieve resolution of addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, case management, crisis intervention, referral, record keeping and clinical consultation specifically related to addiction are within the scope of addiction counseling. Additionally, at the clinical level of licensure, addiction counseling includes independent practice limited and to the diagnosis and treatment of substance use disorders.

(c) “Licensed addiction counselor” means a person who engages in
the practice of addiction counseling limited to substance use disorders and who is licensed under this act, except that on and after July 1, 2011, such person shall engage in the practice of addiction counseling only in a state-licensed or certified alcohol and other drug treatment program unless otherwise exempt for licensure under subsection (m) of K.S.A. 59-29b46, and amendments thereto.

(d) “Licensed clinical addiction counselor” means a person who engages in the independent practice of addiction counseling which practice and is limited to the diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association’s diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

Sec. 11. On July 1, 2011, section 3 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 3. (a) On and after August 1, 2011, no person shall engage in the practice of addiction counseling or represent that such person is a licensed addiction counselor or is an addiction counselor or a substance abuse counselor or an alcohol and drug counselor without having first obtained a license as an addiction counselor under the addictions counselor licensure act.

(b) On and after August 1, 2011, no person shall engage in the practice of addiction counseling as a clinical addiction counselor or represent that such person is a licensed clinical addiction counselor or is a clinical addiction counselor or a clinical substance abuse counselor or a clinical alcohol and drug counselor without having first obtained a license as a clinical addiction counselor under the addiction counselor licensure act.

(c) Violation of this section is a class B misdemeanor.

Sec. 12. On July 1, 2011, section 4 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 4. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained the age of 21;

(2)(A) has completed a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or

(B) has completed a baccalaureate degree from a college or university approved by the board in a related field that includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or

(C) completed a baccalaureate degree from a college or university approved by the board in a related field with additional work in addiction counseling from a college or university approved by the board, and such degree program and the additional work includes the course work requirements provided in paragraph (a)(2)(B) of this subsection; or
(D) is currently licensed in Kansas as a licensed psychologist, licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master’s level psychologist;
(3) has passed an examination approved by the board;
(4) has satisfied the board that the applicant is a person who merits the public trust; and
(5) each applicant has paid the application fee established by the board under section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto.

(b)(1) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:
(A) is licensed by the board as a licensed addiction counselor or meets all requirements for licensure as an addiction counselor; and
(i) has completed a master’s degree from an addiction counseling program that is part of a college or university approved by the board; or
(ii) has completed a master’s degree from a college or university approved by the board in a related field that includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or
(iii) has completed a master’s degree from a college or university approved by the board in a related field with additional work in addiction counseling from a college or university approved by the board and such degree program and the additional work includes the course work requirements provided in paragraph (b)(2)(B) of this subsection; and
(iv) has completed a master’s degree in a related field and is licensed by the board as a licensed addiction counselor; and
(B) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that one-half ½ of the requirement of this paragraph (B) may be waived for persons with a doctoral degree in addiction counseling or a related field acceptable to the board; and
(C) has passed an examination approved by the board; and
(D) has paid the application fee fixed under section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto.
(2) A person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the de-
partment of social and rehabilitation services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of addiction counseling in Kansas as a registered or credentialed in Kansas as an alcohol and other drug counselor, an alcohol and drug credentialed counselor or a credentialed alcohol and other drug abuse counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed addiction counselor by providing demonstration acceptable to the board of competence to perform the duties of an addiction counselor.

(3) Any person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the department of social and rehabilitation services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, and who is also licensed to practice independently as a mental health practitioner or person licensed to practice medicine and surgery, and who has been actively engaged in the practice of addiction counseling in Kansas as a registered or credentialed in Kansas as an alcohol and other drug counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(4) Any person who was credentialed by the department of social and rehabilitation services as an alcohol and drug counselor and has been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four years and holds a master’s degree in a related field and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental
disorders of the American psychiatric association designated by the board by rules and regulations.

(5) On and after July 1, 2011, a licensed addiction counselor shall engage in the practice of addiction counseling within a state licensed or certified alcohol and other drug treatment program, unless otherwise exempt from licensure under subsection (m) of K.S.A. 59-29b46, and amendments thereto.

Sec. 13. On July 1, 2011, section 7 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 7. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the addictions counselor licensure act and rules and regulations of the board; and or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Continuous registration, certification or licensure to practice addiction counseling during the five years immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a baccalaureate or master’s degree in addiction counseling from a college or university approved by the board or completion of a baccalaureate or master’s degree in a related field that includes all required addiction coursework.

(b) Applicants for licensure as a clinical addiction counselor shall additionally demonstrate competence to diagnose and treat substance abuse disorders through meeting the requirements of either paragraph (1) or (2) of subsection (a) and at least two of the following areas acceptable to the board:

(1) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto.
Sec. 14. On July 1, 2011, section 8 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 8. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education, the clinical addiction counselor applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of substance use disorders. Both the clinical addiction counselor applicant and the addiction counselor applicant shall complete not less than three continuing education hours of professional ethics.

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto.

Sec. 15. On July 1, 2011, section 9 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 9. The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure issued under this act of any individual who the board, after the opportunity for a hearing, determines:

(a) Is incompetent to practice addiction counseling, or is found to engage in the practice of addiction counseling in a manner harmful or dangerous to a client or to the public;

(b) is convicted by a court of competent jurisdiction of a felony, misdemeanor crimes against persons or substantiation of abuse against a child, adult or resident of a care facility, even if not practice related;

(c) has violated a provision of the additions counselor licensure act or one or more of the rules and regulations of the board;

(d) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(e) has knowingly made a false statement on a form required by the board for license or license renewal;

(f) has failed to obtain continuing education credits required by rules and regulations of the board;
(g) has been found guilty of unprofessional conduct as defined by rules and regulations established by the board; or

(h) has had a registration, license or certificate as an addiction counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

Sec. 16. On July 1, 2011, section 10 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 10. Nothing in the addictions counselor licensure act shall be construed:

(a) To prevent addiction counseling practice by students or interns or individuals preparing for the practice of addiction counseling to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency so long as they are designated by titles such as “student,” “trainee,” “intern” or other titles clearly indicating training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, marriage and family therapy, master’s level psychology or social work or other professions licensed by the behavioral sciences regulatory board;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is a part of the organized ministry is a licensed addiction counselor;

(d) to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, master’s level psychologists, marriage and family therapists, professional counselors, or other professions licensed by the behavioral sciences regulatory board, registered nurses or social workers performing services consistent with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being an addiction counselor; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being an addiction counselor.

New Sec. 17. (a) This section shall be known and may be cited as the school sports head injury prevention act.

(b) As used in this section:

(1) “School” means any public or accredited private high school, middle school or junior high school.

(2) “Health care provider” means a person licensed by the state board of healing arts to practice medicine and surgery.
The state board of education, in cooperation with the Kansas state high school activities association, shall compile information on the nature and risk of concussion and head injury including the dangers and risks associated with the continuation of playing or practicing after a person suffers a concussion or head injury. Such information shall be provided to school districts for distribution to coaches, school athletes and the parents or guardians of school athletes.

A school athlete may not participate in any sport competition or practice session unless such athlete and the athlete’s parent or guardian have signed, and returned to the school, a concussion and head injury information release form. A release form shall be signed and returned each school year that a student athlete participates in sport competitions or practice sessions.

If a school athlete suffers, or is suspected of having suffered, a concussion or head injury during a sport competition or practice session, such school athlete immediately shall be removed from the sport competition or practice session.

Any school athlete who has been removed from a sport competition or practice session shall not return to competition or practice until the athlete is evaluated by a health care provider and the health care provider provides such athlete a written clearance to return to play or practice. If the health care provider who provides the clearance to return to play or practice is not an employee of the school district, such health care provider shall not be liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

This section shall take effect on and after July 1, 2011.

(a) The Kansas state high school activities association and its member high schools, and administrators, principals, coaches, teachers and other affiliated with such association and member high schools, shall not adopt any rules and regulations or interpret any existing rule and regulation in any manner which would prohibit a student athlete from training with any Kansas state high school league-sponsored sport or competition while the student athlete is participating in nonschool swimming athletic training or diving athletic training, or both, during the high school sport season and throughout the year if:

1. The nonschool swimming athletic training or diving athletic training, or both, is under the jurisdiction of and sanctioned by the national governing body of the sport, U.S.A. swimming, inc., or U.S.A. diving, inc. and is conducted in a manner which protects the health and safety of the student athlete; and

2. the student athlete meets the reasonable and ordinary school-established requirements for participation in the student athlete’s high school swimming program or diving program, or both, including requirements designed to protect the health and safety of such student athlete.
(b) This section shall take effect on and after July 1, 2011.

Sec. 19. On July 1, 2011, K.S.A. 2010 Supp. 65-2901 is hereby amended to read as follows: 65-2901. As used in article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplemental amendments thereto:

(a) “Physical therapy” means examining, evaluating and testing individuals with mechanical, anatomical, physiological and developmental impairments, functional limitations and disabilities or other health and movement-related conditions in order to determine a diagnosis solely for physical therapy, prognosis, plan of therapeutic intervention and to assess the ongoing effects of physical therapy intervention. Physical therapy also includes alleviating impairments, functional limitations and disabilities by designing, implementing and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise; functional training in community or work integration or reintegration; manual therapy; therapeutic massage; prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; patient-related instruction; reducing the risk of injury, impairments, functional limitations and disability, including the promotion and maintenance of fitness, health and quality of life in all age populations and engaging in administration, consultation, education and research. Physical therapy also includes the care and services provided by a physical therapist or a physical therapist assistant under the direction and supervision of a physical therapist who is licensed pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. This act. Physical therapy does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, the practice of any branch of the healing arts and the making of a medical diagnosis. (b) “Physical therapist” means a person who is licensed to practice physical therapy pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. This act. Any person who successfully meets the requirements of K.S.A. 65-2906, and amendments thereto, shall be known and designated as a physical therapist and may designate or describe oneself, as appropriate, as a physical therapist, physiotherapist, licensed physical therapist, doctor of physical therapy, abbreviations thereof, or words similar thereto or use of the designated letters P.T., Ph.T., M.P.T., D.P.T. or L.P.T. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the
board which such licensee has earned. Each licensee when using the letters or term “Dr.” or “Doctor” in conjunction with such licensee’s professional practice, whether in any written or oral communication, shall identify oneself as a “physical therapist” or “doctor of physical therapy.”

(c) “Physical therapist assistant” means a person who is certified pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, this act and who works under the direction of a physical therapist, and who assists the physical therapist in selected components of physical therapy intervention. Any person who successfully meets the requirements of K.S.A. 65-2906, and amendments thereto, shall be known and designated as a physical therapist assistant, and may designate or describe oneself as a physical therapist assistant, certified physical therapist assistant, abbreviations thereof, or words similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

(d) “Board” means the state board of healing arts.

(e) “Council” means the physical therapy advisory council.

(f) “Physician” means a person licensed to practice medicine and surgery.

(g) “Recognized by the board” means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.

Sec. 20. On July 1, 2011, K.S.A. 2010 Supp. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under this article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, act as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person’s name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, cer-
ifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term “Dr.” or “Doctor” in conjunction with such licensee’s professional practice, whether in any written or oral communication, shall identify oneself as a “physical therapist” or “doctor of physical therapy.”

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person’s name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, the provisions of this act, shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory thereof or supplemental amendments thereto, shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b) of this section:

1. Persons rendering assistance in the case of an emergency;
2. Members of any church practicing their religious tenets;
3. Persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
4. Health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
5. Licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under subsection (g) of K.S.A. 65-2872, and amendments thereto;
6. Dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;
7. Nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under subsection (m) of K.S.A. 65-1124, and amendments thereto;
(8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;

(9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;

(10) self-care by a patient or gratuitous care by a friend or family member;

(11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;

(14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;

(15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;

(16) persons practicing corrective therapy in accordance with their training in corrective therapy;

(17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) attendants practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; and

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of med-
icine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, this act.

New Sec. 21. (a) Section 21 through 34, and amendments thereto, shall be known and may be cited as the Kansas health information technology and exchange act.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 22. As used in the Kansas health information technology and exchange act:

(a) “Act” means the Kansas health information technology and exchange act.

(b) “Approved HIO” means a health information organization operating in the state which has been approved by the corporation.

(c) “Corporation” means the Kansas health information exchange, inc., created by executive order 10-06.

(d) “Covered entity” means a health care provider, a health care component of a hybrid entity, a health plan or a health care clearinghouse.

(e) “Designated record set” means designated record set as that term is defined by the HIPAA privacy rule.

(f) “Disclosure” means disclosure as that term is defined by the HIPAA privacy rule.

(g) “DPOA-HC” means the person to whom a durable power of attorney for health care decisions has been granted by an individual in accordance with K.S.A. 58-625 et seq., and amendments thereto.

(h) “Electronic protected health information” means electronic health information as that term is defined by the HIPAA privacy rule.

(i) “Health care” means health care as that term is defined by the HIPAA privacy rule.

(j) “Health care clearinghouse” means a health care clearinghouse, as that term is defined by the HIPAA privacy rule, doing business within the state.

(k) “Health care provider” means a health care provider, as that term is defined by the HIPAA privacy rule, that furnishes health care to individuals in the state.

(l) “Health information” means health information as that term is defined by the HIPAA privacy rule.

(m) “Health information organization” means any entity operating in the state which:

(1) Maintains technical infrastructure for the electronic movement of health information among covered entities; and

(2) Promulgates and enforces policies governing participation in such health information exchange.

(n) “Health information technology” means an information processing
application using computer hardware and software for the storage, retrieval, use and disclosure of health information for communication, decision-making, quality, safety and efficiency of health care. ‘‘Health information technology’’ includes, but is not limited to: (1) An electronic health record; (2) a personal health record; (3) health information exchange; (4) electronic order entry; and (5) electronic decision support.

(o) ‘‘Health plan’’ means a health plan, as that term is defined by the HIPAA privacy rule, doing business within the state.

(p) ‘‘HIPAA privacy rule’’ means the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. part 160 and 45 C.F.R. part 164, subparts A and E.

(q) ‘‘Hybrid entity’’ means hybrid entity as that term is defined by the HIPAA privacy rule.

(r) ‘‘Individual’’ means individual as that term is defined by the HIPAA privacy rule.

(s) ‘‘Individually identifiable health information’’ means individually identifiable health information as that term is defined by the HIPAA privacy rule.

(t) ‘‘Interoperability’’ means the capacity of two or more information systems to exchange information or data in an accurate, effective, secure and consistent manner.

(u) ‘‘Participation agreement’’ means a written agreement between a covered entity and an approved HIO concerning the covered entity’s participation in the approved HIO on terms consistent with section 32, and amendments thereto.

(v) ‘‘Personal representative’’ means the person who has the legal authority to act on behalf of an individual.

(w) ‘‘Protected health information’’ means protected health information as that term is defined by the HIPAA privacy rule.

(x) ‘‘Public health authority’’ means public health authority as that term is defined by the HIPAA privacy rule.

(y) ‘‘Secretary’’ means the secretary of health and environment.

(z) ‘‘Standard authorization form’’ means the standard authorization form developed and promulgated by the secretary pursuant to section 26, and amendments thereto.

(aa) ‘‘State’’ means the state of Kansas.

(bb) ‘‘Use’’ means, with respect to individually identifiable health information, use as the term is defined by the HIPAA privacy rule.

This section shall take effect on and after July 1, 2011.

New Sec. 23. (a) It is the purpose of this act to harmonize state law with the HIPAA privacy rule with respect to individual access to protected health information, proper safeguarding of protected health information, and the use and disclosure of protected health information for purposes of
facilitating the development and use of health information technology and health information exchange.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 24. (a) A covered entity shall provide an individual or such individual’s personal representative with access to the individual’s protected health information maintained by the covered entity in a designated record set in compliance with 45 C.F.R. 164.524.

(b) A covered entity shall implement and maintain appropriate administrative, technical and physical safeguards to protect the privacy of protected health information in a manner consistent with 45 C.F.R. 164.530(c).

(c) This section shall take effect on and after July 1, 2011.

New Sec. 25. (a) No covered entity shall use or disclose protected health information except as follows:

(1) Use and disclosure of protected health information consistent with an authorization that satisfies the requirements of 45 C.F.R. 164.508;

(2) use and disclosure of protected health information without an authorization as permitted under 45 C.F.R. 164.502, 164.506, 164.508, 164.510 and 164.512; or

(3) use and disclosure of protected health information as required under 45 C.F.R. 164.502.

(b) Notwithstanding the provisions of subsection (a), no covered entity shall disclose an individual’s protected health information to a health information organization for any purpose without an authorization that satisfies the requirements of 45 C.F.R. 164.508, unless such covered entity:

(1) Is a party to a current participation agreement with an approved HIO at the time the disclosure is made;

(2) discloses the individual’s protected health information to that approved HIO in a manner consistent with the approved HIO’s established procedures;

(3) prior to the disclosure, has furnished to the individual, or such individual’s personal representative, whose information is to be disclosed to the approved HIO, the notice required under section 32 of this act; and

(4) restricts disclosure to the approved HIO of any protected health information concerning the individual that is the subject of a written request delivered to the covered entity by the individual, or such individual’s personal representative, for reasonable restrictions on disclosure of all or any specified categories of the individual’s protected health information, as defined pursuant to section 32 of this act, following the covered entity’s receipt of such written request.

(c) Notwithstanding the provisions of subsections (a) and (b), a covered entity that uses or discloses protected health information in compliance with this section shall be immune from any civil or criminal liability or any adverse administrative action arising out of or relating to such use or disclosure.
(d) This section shall take effect on and after July 1, 2011.

New Sec. 26. (a) No later than six months following the effective date of this act, the secretary shall develop and adopt by rules and regulations a standard authorization form for the use and disclosure of protected health information consistent with the requirements of 45 C.F.R. 164.508.

(b) Any person or entity in possession, custody or control of any protected health information which is the subject of a properly completed standard authorization form shall accept such form as valid authorization for the disclosure of such protected health information to the person or entity identified in such standard authorization form. Notwithstanding any other provisions, a person or entity is not precluded from accepting or relying upon any document which satisfies the requirements of 45 C.F.R. 164.508, as valid authorization for the use or disclosure of protected health information.

(c) No later than six months after the effective date of this act the secretary shall develop educational materials intended to increase awareness and promote a greater understanding of the standard authorization form created under this section, including the importance of ensuring that an individual’s health information is readily available to health care providers at the point of care, in order to enable the best possible provision of health care services.

(d) This section shall take effect on and after July 1, 2011.

New Sec. 27. Notwithstanding any other provision of this act, a covered entity may condition the furnishing of copies of an individual’s protected health information in paper or electronic form to the individual, the individual’s personal representative, or any other person or entity authorized by law to obtain or reproduce such information, upon the payment of charges to be established and updated by the secretary, except no provider shall condition the furnishing of copies to another provider needed for that provider’s treatment of an individual on payment of such fee. This section shall not apply to disclosures by a covered entity to an approved HIO, or by an approved HIO to a covered entity.

New Sec. 28. To the extent any provision of state law regarding the confidentiality, privacy, security or privileged status of any protected health information conflicts with the provisions of this act, the provisions of this act shall control, except that: (a) Nothing in this act shall limit or restrict the effect and application of the peer review statute, K.S.A. 65-4915, and amendments thereto; the risk management statute, K.S.A. 65-4921, and amendments thereto; or any statutory health care provider-patient privilege; and (b) nothing in this act shall limit or restrict the ability of any state agency to require the disclosure of protected health information by any person or entity pursuant to law.

This section shall take effect on and after July 1, 2011.

New Sec. 29. (a) A health care provider may disclose protected health
information without authorization to any state agency for any public health purpose that is required by law. Nothing in this act shall be construed to limit the use, transfer or disclosure of protected health information as required or permitted by any other provision of law.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 30. The corporation shall establish and revise, as appropriate, standards for approval and operation of statewide and regional health information organizations operating in the state as approved HIOs including, but not limited to, the following:

(a) Satisfaction of certification standards for health information exchanges promulgated by the federal government;
(b) adherence to nationally recognized standards for interoperability;
(c) adoption and adherence to rules promulgated by the corporation regarding access to and use and disclosure of protected health information maintained by or on an approved HIO;
(d) demonstration of adequate financial resources to sustain continued operations in compliance with the standards;
(e) participation in outreach activities for individuals and covered entities;
(f) conduct of operations in a transparent manner to promote consumer confidence;
(g) implementation of security breach notification procedures; and
(h) development of procedures for entering into and enforcing the terms of participation agreements with covered entities which satisfy the requirements established by the corporation pursuant to section 32 of this act.

This section shall take effect on and after July 1, 2011.

New Sec. 31. (a) The corporation shall establish and implement:

(1) A process by which a health information exchange may apply for and receive approval by the corporation by demonstrating compliance with the standards promulgated by the corporation pursuant to section 30 of this act;

(2) a process by which an approved HIO shall be re-approved on appropriate intervals by demonstrating continued compliance with the standards promulgated by the corporation pursuant to section 30 of this act; and

(3) a process for the investigation of reported concerns and complaints regarding an approved HIO and imposition of appropriate remedial and proactive measures to address any identified deficiencies.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 32. (a) The corporation shall establish requirements for participation agreements to include the following:

(1) Specification of procedures for the covered entity to disclose an individual’s protected health information to the approved HIO;

(2) specification of procedures for the covered entity to access an individual’s protected health information from the approved HIO;
(3) specification of the written notice to be provided by the covered entity to any individual, or such individual’s personal representative, prior to the covered entity’s disclosure of the individual’s protected health information to the approved HIO. Such written notice, which may be incorporated into the covered entity’s notice of privacy practices required under the HIPAA privacy rule, shall include the following that:
   (A) The individual’s protected health information will be disclosed to the approved HIO to facilitate the provision of health care to the individual;
   (B) the approved HIO maintains appropriate safeguards to protect the privacy and security of protected health information;
   (C) only authorized individuals may access protected health information from the approved HIO;
   (D) the individual, or such individual’s personal representative, has the right to request in writing that the covered entity: (i) Not disclose any of the individual’s protected health information to the approved HIO; or (ii) not disclose specified categories of the individual’s protected health information to the approved HIO;
   (E) such restrictions may result in a health care provider not having access to information necessary to provide appropriate care for the individual;
   (F) the covered entity is required to honor a written request delivered to the covered entity by an individual, or such individual’s representative, not to disclose any of the individual’s protected health information to an approved HIO; and
   (G) the covered entity is required to honor a written request delivered to the covered entity by an individual, or such individual’s representative, for reasonable restrictions on the disclosure of specified categories of the individual’s protected health information to an approved HIO.

(4) specification of documentation requirements to demonstrate delivery of such notice to an individual, or such individual’s personal representative, by or on behalf of the covered entity prior to the covered entity’s disclosure of the individual’s protected health information to the approved HIO;

(5) standards for determining the reasonableness of an individual’s written request, or the written request of such individual’s personal representative, not to disclose specified categories of the individual’s protected health information to the approved HIO based on the covered entity’s technological capabilities; and

(6) specification of the purposes for which a covered entity may access protected health information through the approved HIO.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 33. (a) Any health information organization which is not an approved HIO shall not be eligible for any financial support from the state,
or assistance or support from the state in securing any other source of funding.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 34. (a) Notwithstanding any other provision of this act, no use or disclosure of protected health information maintained by or on an approved HIO shall be made except pursuant to rules adopted by the corporation consistent with this act. An approved HIO that uses or discloses protected health information in compliance with such rules shall be immune from any civil or criminal liability or any adverse administrative action arising out of or relating to such use or disclosure.

(b) This section shall take effect on and after July 1, 2011.

Sec. 35. On July 1, 2011, K.S.A. 16-1602 is hereby amended to read as follows: 16-1602. In this act:

(a) “Agreement” means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(b) “Automated transaction” means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract or fulfilling an obligation required by the transaction.

(c) “Computer program” means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(d) “Contract” means the total legal obligation resulting from the parties’ agreement as affected by this act and other applicable law.

(e) “Digital signature” means a type of electronic signature consisting of a transformation of an electronic message using an asymmetric crypto system such that a person having the initial message and the signer’s public key can accurately determine whether:

   (1) The transformation was created using the private key that corresponds to the signer’s public key; and
   (2) the initial message has not been altered since the transformation was made.

(f) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(g) “Electronic agent” means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

(h) “Electronic record” means a record created, generated, sent, communicated, received or stored by electronic means.

(i) “Electronic signature” means an electronic sound, symbol or pro-
cess attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(j) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution or instrumentality of the federal government or of a state or of a county, municipality or other political subdivision of a state.

(k) "Information" means data, text, images, sounds, codes, computer programs, software, databases or the like.

(l) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying or processing information.

(m) "Message" means a digital representation of information.

(n) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.

(o) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(p) "Registered certification authority" means a person providing certification of a digital signature who is, or is certified by, a member of the group of certification authorities approved by and registered with the secretary.

(q) "Secretary" means the Kansas secretary of state.

(r) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, callback or other acknowledgment procedures.

(s) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(t) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, insurance, health care, commercial or governmental affairs.

New Sec. 36. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 37. On July 1, 2011, K.S.A. 2010 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be
advisory to the secretary of health and environment and shall be within the
division of health of the department of health and environment as a part
ter thereof.

(b) On July 1, 2001, the advisory committee on trauma in existence
immediately prior to July 1, 2001, is hereby abolished and a new advisory
committee on trauma is created in accordance with this section. The terms
of all members of the advisory committee on trauma in existence prior to
July 1, 2001, are hereby terminated. On and after July 1, 2001, the advisory
committee on trauma shall be composed of 24 members representing both
rural and urban areas of the state appointed as follows:

1. Two members shall be persons licensed to practice medicine and
   surgery appointed by the governor. At least 30 days prior to the expiration
   of terms described in this section, for each member to be appointed under
   this section, the Kansas medical society shall submit to the governor a list
   of three names of persons of recognized ability and qualification. The gov-
   ernor shall consider such list of persons in making appointments to the
   board under this paragraph.

2. One member shall be licensed to practice osteopathic medicine ap-
   pointed by the governor. At least 30 days prior to the expiration of the term
   of the member appointed under this section, the Kansas association of os-
   teopathic medicine shall submit to the governor a list of three persons of
   recognized ability and qualification. The governor shall consider such list
   of persons in making appointments to the board under this paragraph.

3. Three members shall be representatives of hospitals appointed by
   the governor. At least 30 days before the expiration of terms described in
   this section, for each member to be appointed under this section, the Kansas
   hospital association shall submit to the governor a list of three names of
   persons of recognized ability and qualification. The governor shall consider
   such list of persons in making appointments to the board under this paragraph.

4. Two members shall be licensed professional nurses specializing in
   trauma care or emergency nursing appointed by the governor. At least 30
   days before the expiration of terms described in this section, for each mem-
   ber to be appointed under this section, the Kansas state nurses association
   shall submit to the governor a list of three names of persons of recognized
   ability and qualification. The governor shall consider such list of persons in
   making appointments to the board under this paragraph.

5. Two members shall be attendants as defined in K.S.A. 65-6112,
   and amendments thereto who are on the roster of an ambulance service
   permitted by the board of emergency medical services. At least 30 days
   prior to the expiration of one of these positions, the Kansas emergency
   medical services association shall submit to the governor a list of three
   persons of recognized ability and qualification. The governor shall consider
   such list of persons in making this appointment to the board. For the other
   member appointed under this section, at least 30 days prior to the expiration
of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board under this paragraph.

(7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making these appointments to the board.

(8) The secretary of health and environment or the secretary’s designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.

(9) The chairperson of the board of emergency medical services or the chairperson’s designee shall be an ex officio member.

(10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

(c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under paragraphs (1) through (7) of subsection (b), six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years. Thereafter members shall serve terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).

(d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of
one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. The chairperson and vice-chairperson serving on the effective date of this act shall be among the members appointed to the advisory committee under subsection (b) and shall continue to serve as chairperson and vice-chairperson of the advisory committee until the first meeting of the advisory committee after July 1, 2002.

(e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.

(f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee and officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) The advisory committee or an officer thereof may advise, report to and discuss activities, information and findings of the committee which relate to incidents of trauma injury or trauma care with the secretary of health and environment as provided in subsections (a) and (e) without waiver of the privilege provided by this subsection (f) and K.S.A. 65-4915, and amendments thereto, and the records and findings of such committee or officer which are privileged under this subsection (f) and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection (f) and K.S.A. 65-4915, and amendments thereto, prior to July 1, 2016.

(3) The provisions of this subsection (f) shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

(g) Members of the advisory committee attending meetings of the advisory committee or attending a subcommittee of the advisory committee or other authorized meeting of the advisory committee shall not be paid compensation but shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

Sec. 38. On July 1, 2011, K.S.A. 2010 Supp. 75-5665 is hereby amended to read as follows: 75-5665. (a) The secretary of health and environment, after consultation with and consideration of recommendations from the advisory committee, shall:

(1) Develop rules and regulations necessary to carry out the provisions of this act, including fixing, charging and collecting fees from trauma facilities to recover all or part of the expenses incurred in the designation of trauma facilities pursuant to subsection (f) of this section;

(2) develop a statewide trauma system plan including the establishment of regional trauma councils, using the 2001 Kansas EMS-
Trauma Systems Plan study as a guide and not more restrictive than state law. The secretary shall ensure that each council consist of at least six members. Members of the councils shall consist of persons chosen for their expertise in and commitment to emergency medical and trauma services. Such members shall be chosen from the region and include prehospital personnel, physicians, nurses and hospital personnel involved with the emergency medical and trauma services and a representative of a county health department. The plan should:

1. Maximize local and regional control over decisions relating to trauma care;
2. Minimize bureaucracy;
3. Adequately protect the confidentiality of proprietary and personal health information;
4. Promote cost effectiveness;
5. Encourage participation by groups affected by the system;
6. Emphasize medical direction and involvement at all levels of the system;
7. Rely on accurate data as the basis for system planning and development; and
8. Facilitate education of health care providers in trauma care;
9. Plan, develop and administer a trauma registry to collect and analyze data on incidence, severity and causes of trauma and other pertinent information which may be used to support the secretary’s decision-making and identify needs for improved trauma care;
10. Provide all technical assistance to the regional councils as necessary to implement the provisions of this act;
11. Collect data elements for the trauma registry that are consistent with the recommendations of the American College of Surgeons committee on trauma and centers for disease control;
12. Designate trauma facilities by level of trauma care capabilities after considering the American College of Surgeons Committee on Trauma standards and other states’ standards except that trauma level designations shall not be based on criteria that place practice limitations on registered nurse anesthetists which are not required by state law;
13. Develop a phased-in implementation schedule for each component of the trauma system, including the trauma registry, which considers the additional burden placed on the emergency medical and trauma providers;
14. Develop standard reports to be utilized by the regional trauma councils and those who report data to the registry in performing their functions;
15. Assess the fiscal impact on all components of the trauma system, and thereafter recommend other funding sources for the trauma system and trauma registry;
16. Prepare and submit an annual budget in accordance with the
provisions of this act. Such budget shall include costs for the provision of technical assistance to the regional trauma councils and the cost of developing and maintaining the trauma registry and analyzing and reporting on the data collected; and

(k) enter into contracts as deemed necessary to carry out the duties and functions of the secretary under this act.

(b) (1) Any meeting of a regional trauma council or any part of a meeting of such a council during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. A regional trauma council and the officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) A regional trauma council or an officer thereof may advise, report to and discuss activities, information and findings of the council which relate to incidents of trauma injury or trauma care with the secretary of health and environment and make reports as provided in this section without waiver of the privilege provided by this subsection (b) and K.S.A. 65-4915, and amendments thereto, and the records and findings of such council or officer which are privileged under this subsection (b) and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection (b) and K.S.A. 65-4915, and amendments thereto.

(3) The provisions of this subsection (b) shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.

Sec. 39. On January 1, 2012, K.S.A. 65-1113 is hereby amended to read as follows: 65-1113. When used in this act and the act of which this section is amendatory:

(a) ‘‘Board’’ means the board of nursing.

(b) ‘‘Diagnosis’’ in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen and shall be construed as distinct from a medical diagnosis.

(c) ‘‘Treatment’’ means the selection and performance of those therapeutic measures essential to effective execution and management of the nursing regimen, and any prescribed medical regimen.

(d) Practice of nursing. (1) The practice of professional nursing as performed by a registered professional nurse for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and amendments thereto, means the process in which substantial specialized knowledge derived from the biological, physical, and behavioral sciences is applied to: the care, diagnosis, treatment, counsel and health teaching of persons who are experiencing changes in the normal health processes or who require assistance in the maintenance of health or the prevention or management of illness, injury
or infirmity; administration, supervision or teaching of the process as defined in this section; and the execution of the medical regimen as prescribed by a person licensed to practice medicine and surgery or a person licensed to practice dentistry. (2) The practice of nursing as a licensed practical nurse means the performance for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and any amendments thereto, of tasks and responsibilities defined in part (1) of this subsection (d) which tasks and responsibilities are based on acceptable educational preparation within the framework of supportive and restorative care under the direction of a registered professional nurse, a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

(e) A “professional nurse” means a person who is licensed to practice professional nursing as defined in part (1) of subsection (d) of this section.

(f) A “practical nurse” means a person who is licensed to practice practical nursing as defined in part (2) of subsection (d) of this section.

(g) “Advanced practice registered nurse practitioner” or “ARNP” “APRN” means a professional nurse who holds a certificate of qualification license from the board to function as a professional nurse in an expanded advanced role, and this expanded advanced role shall be defined by rules and regulations adopted by the board in accordance with K.S.A. 65-1130, and amendments thereto.

Sec. 40. On January 1, 2012, K.S.A. 65-1114 is hereby amended to read as follows: 65-1114. (a) It shall be unlawful for any person:

(1) To practice or to offer to practice professional nursing in this state; or

(2) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a registered professional nurse; or

(3) to practice or offer to practice practical nursing in this state; or

(4) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed practical nurse, unless such person has been duly licensed under the provisions of this act.

(b) It shall be unlawful for any person:

(1) To practice or offer to practice as an advanced practice registered nurse practitioner in this state; or

(2) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is an advanced practice registered nurse practitioner, unless such person has been duly issued a certificate of qualification license as an advanced practice registered nurse practitioner under the Kansas nurse practice act.

Sec. 41. On January 1, 2012, K.S.A. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

| Application for license—professional nurse | $75 |
| Application for license—practical nurse | $50 |
Application for biennial renewal of license—professional nurse and practical nurse ......................................... 60
Application for reinstatement of license .................................. 70
Application for reinstatement of licenses with temporary permit ................................................................. 100
Certified copy of license ......................................................... 25
Duplicate of license ................................................................. 25
Inactive license ........................................................................ 20
Application for license certificate of qualification—advanced practice registered nurse practitioner .................. 50
Application for license certificate of qualification with temporary permit—advanced practice registered nurse practitioner ................................................................. 100
Application for renewal of license certificate of qualification—advanced practice registered nurse practitioner ... 60
Application for reinstatement of license certificate of qualification—advanced practice registered nurse practitioner ................................................................. 75
Application for authorization—registered nurse anesthetist ... 75
Application for authorization with temporary authorization—registered nurse anesthetist ......................... 110
Application for biennial renewal of authorization—registered nurse anesthetist ...................................................... 60
Application for reinstatement of authorization—registered nurse anesthetist ...................................................... 75
Application for reinstatement of authorization with temporary authorization—registered nurse anesthetist .......... 100
Verification of license to another state .................................. 30
Application for exempt license—professional and practical nurse ................................................................. 50
Application for biennial renewal of exempt license—professional and practical nurse .............................................. 50
Application for exempt license certificate—advanced practice registered nurse practitioner ........................................ 50
Application for biennial renewal of exempt license certificate—advanced practice registered nurse practitioner ... 50

(b) The board may require that fees paid for any examination under the Kansas nurse practice act be paid directly to the examination service by the person taking the examination.

(c) The board shall accept for payment of fees under this section personal checks, certified checks, cashier’s checks, money orders or credit cards. The board may designate other methods of payment, but shall not refuse payment in the form of a personal check. The board may impose additional fees and recover any costs incurred by reason of payments made
by personal checks with insufficient funds and payments made by credit cards.

Sec. 42. On January 1, 2012, K.S.A. 65-1120, as amended by section 236 of 2011 House Bill No. 2339, is hereby amended to read as follows: 65-1120. (a) Grounds for disciplinary actions. The board may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced practice registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification temporary permit or authorization, if the applicant, licensee or holder of a certificate of qualification temporary permit or authorization is found after hearing:

(1) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

(2) To have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced practice registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 36 through 64, 174, 210 or 211 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) To have committed an act of professional incompetency as defined in subsection (e);

(4) To be unable to practice with skill and safety due to current abuse of drugs or alcohol;

(5) To be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;

(6) To be guilty of unprofessional conduct as defined by rules and regulations of the board;

(7) To have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

(8) To have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States govern-
ment, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8); or

(9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. Supp. 60-4404, and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. Supp. 60-4405, and amendments thereto.

(b) Proceedings. Upon filing of a sworn complaint with the board charging a person with having been guilty of any of the unlawful practices specified in subsection (a), two or more members of the board shall investigate the charges, or the board may designate and authorize an employee or employees of the board to conduct an investigation. After investigation, the board may institute charges. If an investigation, in the opinion of the board, reveals reasonable grounds for believing the applicant or licensee is guilty of the charges, the board shall fix a time and place for proceedings, which shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) Witnesses. No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state except the crime of perjury as defined in section 128 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(d) Costs. If final agency action of the board in a proceeding under this section is adverse to the applicant or licensee, the costs of the board’s proceedings shall be charged to the applicant or licensee as in ordinary civil actions in the district court, but if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and which the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.
(e) Professional incompetency defined. As used in this section, "professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(f) Criminal justice information. The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.

Sec. 43. On January 1, 2012, K.S.A. 65-1122 is hereby amended to read as follows: 65-1122. It is a violation of law for any person, firm, corporation or association to:

(a) Sell or fraudulently obtain or furnish any nursing diploma, license, or record or certificate of qualification or aid or abet therein;

(b) practice professional nursing, practical nursing or practice as an advanced practice registered nurse practitioner, unless duly licensed or certified to do so;

(c) use in connection with such person’s name any designation implying that such person is a licensed professional nurse, a licensed practical nurse or an advanced practice registered nurse practitioner unless duly licensed or certified so to practice under the provisions of the Kansas nurse practice act, and such license or certificate is then in full force;

(d) practice professional nursing, practical nursing or as an advanced practice registered nurse practitioner during the time a license or certificate issued under the provisions of the Kansas nurse practice act shall have expired or shall have been suspended or revoked;

(e) represent that a school for nursing is approved for educating either professional nurses or practical nurses, unless such school has been duly approved by the board and such approval is then in full force;

(f) violate any provisions of the Kansas nurse practice act or rules and regulations adopted pursuant to that act; or

(g) represent that a provider of continuing nursing education is approved by the board for educating either professional nurses or practical nurses, unless the provider of continuing nursing education has been approved by the board and the approval is in full force.

Any person who violates this section is guilty of a class B misdemeanor, except that, upon conviction of a second or subsequent violation of this section, such person is guilty of a class A misdemeanor.
Sec. 44. On January 1, 2012, K.S.A. 65-1130 is hereby amended to read as follows: 65-1130. (a) No professional nurse shall announce or represent to the public that such person is an advanced practice registered nurse practitioner unless such professional nurse has complied with requirements established by the board and holds a valid certificate of qualification license as an advanced practice registered nurse practitioner in accordance with the provisions of this section.

(b) The board shall establish standards and requirements for any professional nurse who desires to obtain a certificate of qualification license as an advanced practice registered nurse practitioner. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced practice registered nurse practitioners. The board may require that some, but not all, types of advanced registered nurse practitioners hold an academic degree beyond the minimum educational requirement for qualifying for a license to practice as a professional nurse. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(c) The board shall adopt rules and regulations applicable to advanced practice registered nurses which:

(1) Establish categories roles and identify titles and abbreviations of advanced practice registered nurse practitioners which are consistent with nursing practice specialties recognized by the nursing profession.

(2) Establish education and qualifications necessary for certification license for each category role of advanced practice registered nurse practitioners established by the board at a level adequate to assure the competent performance by advanced practice registered nurse practitioners of functions and procedures which advanced practice registered nurse practitioners are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in basic nursing education, licensure as a registered nurse and graduation from or completion of a master’s or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.

(3) Define the role of advanced practice registered nurse practitioners and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this subsection (c)(3) which is consistent with the education and qualifications required to obtain a certificate of qualification license as an advanced practice registered nurse practitioner, which protects the public from persons performing functions and procedures as advanced practice registered nurse practitioners for which they lack adequate education and qualifications and which authorizes advanced practice registered nurse practitioners to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider: (A) The education required for a certificate of qualification lice-
sure as an advanced practice registered nurse practitioner; (B) the type of nursing practice and preparation in specialized practitioner advanced practice skills involved in each category role of advanced practice registered nurse practitioner established by the board; (C) the scope and limitations of advanced practice of nursing specialties and limitations thereon prescribed by national advanced practice organizations which certify nursing specialties; and (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

(d) An advanced practice registered nurse practitioner may prescribe drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced practice registered nurse practitioner is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced practice registered nurse practitioner. Any written prescription order shall include the name, address and telephone number of the responsible physician. The advanced practice registered nurse practitioner may not dispense drugs, but may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written protocol as authorized by a responsible physician. In order to prescribe controlled substances, the advanced practice registered nurse practitioner shall (1) register with the federal drug enforcement administration; and (2) notify the board of the name and address of the responsible physician or physicians. In no case shall the scope of authority of the advanced practice registered nurse practitioner exceed the normal and customary practice of the responsible physician. An advanced practice registered nurse practitioner certified in the role category of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to 65-1164, inclusive, and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection. For the purposes of this subsection, “responsible physician” means a person licensed to practice medicine and surgery in Kansas who has accepted responsibility for the protocol and the actions of the advanced practice registered nurse practitioner when prescribing drugs.

(e) As used in this section, “drug” means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

(f) A person registered to practice as an advanced registered nurse practitioner in the state of Kansas immediately prior to the effective date of this act shall be deemed to be licensed to practice as an advanced practice registered nurse under this act and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to the effective date of this act shall be processed as an application for licensure under this act.
Sec. 45. On January 1, 2012, K.S.A. 65-1131 is hereby amended to read as follows: 65-1131. (a) (1) Certification. Licensure. Upon application to the board by any professional nurse in this state and upon satisfaction of the standards and requirements established by the board under K.S.A. 65-1130, and amendments thereto, the board may issue a certificate of qualification license to such applicant authorizing the applicant to perform the duties of an advanced practice registered nurse practitioner as defined by the board under K.S.A. 65-1130, and amendments thereto.

(2) The board may issue a certificate license to practice nursing as an advanced practice registered nurse practitioner to an applicant who has been duly licensed or certified as an advanced practice registered nurse practitioner under the laws of another state or territory if, in the opinion of the board, the applicant meets the licensure qualifications required of an advanced practice registered nurse practitioner in this state. Verification of the applicant’s licensure or certification status shall be required from the original state of licensure or certification.

(3) An application to the board for a certificate of qualification, for a certificate of qualification license, a license with temporary permit, for renewal of a certificate of qualification license and for reinstatement of a certificate of qualification license shall be upon such form and contain such information as the board may require and shall be accompanied by a fee, to be established by rules and regulations adopted by the board, to assist in defraying the expenses in connection with the issuance of certificates of qualification licenses as advanced practice registered nurses nurse practitioners, in an amount fixed by the board under K.S.A. 65-1118, and amendments thereto.

(4) An application for initial certification licensure or endorsement will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(5) The executive administrator of the board shall remit all moneys received pursuant to this section to the state treasurer as provided by K.S.A. 74-1108, and amendments thereto.

(b) The board may grant a one-time temporary permit to practice as an advanced practice registered nurse practitioner for a period of not more than 180 days pending completion of the application for a certificate of qualification license.

c) Exempt certificate license. The board may issue an exempt certificate license to any advanced practice registered nurse practitioner as defined in rules and regulations who makes written application for such certificate license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-1118, and amendments thereto, and who is not regularly engaged in advanced practice registered nursing practice in Kansas but volunteers advanced practice registered nursing services or is a charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt advanced practice registered nurse prac-
Sec. 46. On January 1, 2012, K.S.A. 2010 Supp. 65-1132 is hereby amended to read as follows: 65-1132. (a) All certificates of qualification license shall expire every two years. The expiration date shall be established by rules and regulations of the board. The board shall send a notice for renewal of a certificate of qualification license to every advanced practice registered nurse practitioner at least 60 days prior to the expiration date of such person’s license. Every person who desires to renew such certificate of qualification license shall file with the board, on or before the date of expiration of such certificate of qualification license:

(1) A renewal application together with the prescribed biennial renewal fee;

(2) evidence of completion of continuing education in the advanced practice registered nurse role, which has met the continuing education requirement for an advanced practice registered nurse as developed by the board or by a national organization whose certifying standards are approved by the board as equal to or greater than the corresponding standards established by the board. These continuing education credits approved by the board may be applied to satisfy the continuing education requirements established by the board for licensed professional nurses under K.S.A. 65-1117, and amendments thereto, if the board finds such continuing education credits are equivalent to those required by the board under K.S.A. 65-1117, and amendments thereto; and

(3) proof of evidence of current licensure as a professional nurse.

Upon receipt of such application and payment of any applicable fee, and upon being satisfied that the applicant for renewal of a certificate of qualification license meets the requirements established by the board under K.S.A. 65-1130, and amendments thereto, in effect at the time of initial qualification of the applicant, the board shall verify the accuracy of the application and grant a renewal certificate of qualification license.

(b) Any person who fails to secure a renewal certificate of qualification license prior to the expiration of the certificate of qualification license may secure a reinstatement of such lapsed certificate of qualification license by making application thereof on a form provided by the board, upon furnishing proof that the applicant is competent and qualified to act as an advanced practice registered nurse practitioner and upon satisfying all of
the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board.

Sec. 47. On January 1, 2012, K.S.A. 65-1133 is hereby amended to read as follows: 65-1133. (a) An approved educational and training program for advanced practice registered nurses nurse practitioners is a program conducted in Kansas which has been approved by the board as meeting the standards and the rules and regulations of the board. An institution desiring to conduct an educational and training program for advanced practice registered nurses shall apply to the board for approval and submit satisfactory proof that it is prepared to and will maintain the standards and the required curriculum for advanced practice registered nurses as prescribed by this act and by the rules and regulations of the board. Applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board. The approval of an educational program for advanced practice registered nurses shall not exceed 10 years after the granting of such approval by the board. An institution desiring to continue to conduct an approved educational program for advanced practice registered nurses shall apply to the board for the renewal of approval and submit satisfactory proof that it will maintain the standards and the required curriculum for advanced practice registered nurses as prescribed by this act and by the rules and regulations of the board. Applications for renewal of approval shall be made in writing on forms supplied by the board. Each program shall submit annually to the board an annual fee fixed by the board’s rules and regulations to maintain the approved status.

(b) A program to qualify as an approved educational program for advanced practice registered nurses must be conducted in the state of Kansas, and the school conducting the program must apply to the board and submit evidence that: (1) It is prepared to carry out the curriculum prescribed by rules and regulations of the board; and (2) it is prepared to meet such other standards as shall be established by law and the rules and regulations of the board.

(c) The board shall prepare and maintain a list of programs which qualify as approved educational programs for advanced practice registered nurses whose graduates, if they have the other necessary qualifications provided in this act, shall be eligible to apply for certificates of qualification license as advanced practice registered nurses. A survey of the institution or school applying for approval of an educational program for advanced practice registered nurses shall be made by an authorized employee of the board or members of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements as prescribed by the board in its rules and regulations for approval are met, it shall so approve the
The board shall resurvey approved programs on a periodic basis as determined by rules and regulations. If the board determines that any approved program is not maintaining the standards required by this act and by rules and regulations prescribed by the board, notice thereof in writing, specifying the failures of such program, shall be given. A program which fails to correct such conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved programs until such time as the program shall comply with such standards. All approved programs shall maintain accurate and current records showing in full the theoretical and practical courses given to each student.

(d) The board may accept nationally accredited advanced practice registered nurse practitioner programs as defined in rule and regulation by rules regulations adopted by the board in accordance with K.S.A. 65-1130, and amendments thereto:

(1) Advanced practice registered nurse practitioner programs which have received accreditation from a board recognized national nursing accreditation agency shall file evidence of initial accreditation with the board, and thereafter shall file all reports from the accreditation agency and any notice of any change in school accreditation status.

(2) Advanced practice registered nurse practitioner programs holding approval based upon national accreditation are also responsible for complying with all other requirements as determined by rules and regulations of the board.

(3) The board may grant approval to an advanced practice registered nurse practitioner program with national accreditation for a continuing period not to exceed 10 years.

Sec. 48. On January 1, 2012, K.S.A. 65-1154 is hereby amended to read as follows: 65-1154. Upon application to the board by any licensed professional nurse in this state and upon satisfaction of the standards and requirements established under this act and K.S.A. 65-1130, and amendments thereto, the board shall grant an authorization to the applicant to perform the duties of a registered nurse anesthetist and be certified licensed as an advanced practice registered nurse practitioner. An application to the board for an authorization, for an authorization with temporary authorization, for biennial renewal of authorization, for reinstatement of authorization and for reinstatement of authorization with temporary authorization shall be upon such form and contain such information as the board may require and shall be accompanied by a fee to assist in defraying the expenses in connection with the administration of the provisions of this act. The fee shall be fixed by rules and regulations adopted by the board in an amount fixed by the board under K.S.A. 65-1118, and amendments thereto. There shall be no fee assessed for the initial, renewal or reinstatement of the advanced practice registered nurse practitioner certificate license as long as the registered nurse anesthetist maintains authorization. The executive ad-
Sec. 49. On January 1, 2012, K.S.A. 65-1163 is hereby amended to read as follows: 65-1163. Nothing in this act shall:
(a) Prohibit administration of a drug by a duly licensed professional nurse, licensed practical nurse or other duly authorized person for the alleviation of pain, including administration of local anesthetics;
(b) apply to the practice of anesthesia by a person licensed to practice medicine and surgery, a licensed dentist or a licensed podiatrist;
(c) prohibit the practice of nurse anesthesia by students enrolled in approved courses of study in the administration of anesthesia or analgesic as a part of such course of study;
(d) apply to the administration of a pudendal block by a person who holds a valid certificate of qualification license as an advanced practice registered nurse practitioner in the category role of nurse-midwife;
(e) apply to the administration by a licensed professional nurse of an anesthetic, other than general anesthesia, for a dental operation under the direct supervision of a licensed dentist or for a dental operation under the direct supervision of a person licensed to practice medicine and surgery;
(f) prohibit the practice by any registered nurse anesthetist who is employed by the United States government or in any bureau, division or agency thereof, while in the discharge of official duties; or
(g) prohibit a registered professional nurse from administering general anesthetic agents to a patient on ventilator maintenance in critical care units when under the direction of a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

Sec. 50. On January 1, 2012, K.S.A. 2010 Supp. 8-1,125 is hereby amended to read as follows: 8-1,125. (a) Any Kansas resident who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person is a person with a disability or is responsible for the transportation of a person with a disability shall be issued a special license plate or a permanent placard for any motor vehicle owned by such person or shall be issued a temporary placard. Satisfactory proof of disability, condition or impairment shall include a statement from a person licensed to practice the healing arts in any state, a licensed optometrist, an advanced practice registered nurse practitioner registered licensed under K.S.A. 65-1131, a Christian Science practitioner listed in The Christian Science Journal certifying that such person is a person with a disability. The placard shall be suspended immediately below the rear view mirror of any motor vehicle used for the transportation of a person with a disability so as to be maximally visible from outside the vehicle. In addition to the special license plate or permanent placard, the director of vehicles shall issue to the person with a disability an individual identification card which must be carried by
the person with a disability when the motor vehicle being operated by or used for the transportation of such person is parked in accordance with the provisions of K.S.A. 8-1,126, and amendments thereto. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. A person submitting satisfactory proof that such person’s disability, condition or impairment is permanent in nature, and upon such person’s request and payment of the fees prescribed in subsection (b), shall be issued a permanent placard or a permanent placard and a special license plate and an individual identification card. Upon proper request, one additional permanent placard shall be issued to the applicant who has not requested and received a special license plate. Upon proper request, one additional temporary placard shall be issued to the applicant certified as temporarily disabled. Temporary placards shall have an expiration date of not longer than six months from the date of issuance. The special license plates and placards shall display the international symbol of access to the physically disabled.

(b) Special license plates issued pursuant to this section shall be issued for the same period of time as other license plates are issued or for the remainder of such period if an existing license plate is to be exchanged for the special license plate. There shall be no fee for such special license plates in addition to the regular registration fee. No person shall be issued more than one special license plate, except that agencies or businesses which provide transportation for persons with a disability as a service, may obtain additional special license plates for vehicles which are utilized in the provision of that service. Special license plates may be personalized license plates subject to the provisions of K.S.A. 8-132, and amendments thereto, including the payment of the additional fee.

(c) Except as otherwise provided in this section, placards and individual identification cards issued pursuant to this section shall be issued for such period of time as the person to whom issued continues to be a person with a disability or a person responsible for the transportation of a person with a disability, except that the secretary of revenue shall make a determination of continued eligibility for a special license plate or placard at least every three years from the original date of issuance of such license plate and placard.

(d) On and after July 1, 1992, the color of the permanent placard shall be white on a blue background and the temporary placard shall be white on a red background.

(e) In addition to such other information contained on individual identification cards, cards issued or reissued on and after July 1, 2000, shall have the date of birth and the sex of the person to whom the card is issued.

(f) Permanent placards and individual identification cards shall be returned to the department of revenue upon the death of the person with a disability. Temporary placards shall be returned to the department of rev-
enue upon the expiration of the placard or upon the death of the person with a disability. Special license plates shall be returned to the county treasurer to be exchanged for another license plate upon the death of the person with a disability. The individual identification cards issued with the special license plates shall be returned to the department of revenue upon the death of the person with a disability.

(g) Violation of subsection (f) is an unclassified misdemeanor punishable by a fine of not more than $50.

Sec. 51. On January 1, 2012, K.S.A. 2010 Supp. 39-7,119 is hereby amended to read as follows: 39-7,119. (a) There is hereby created the medicaid drug utilization review board which shall be responsible for the implementation of retrospective and prospective drug utilization programs under the Kansas medicaid program.

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

(1) Two licensed physicians actively engaged in the practice of medicine, nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of four nominees;

(2) One licensed physician actively engaged in the practice of osteopathic medicine, nominated by the Kansas association of osteopathic medicine and appointed by the Kansas health policy authority from a list of four nominees;

(3) Two licensed pharmacists actively engaged in the practice of pharmacy, nominated by the Kansas pharmacy association and appointed by the Kansas health policy authority from a list of four nominees;

(4) One person licensed as a pharmacist and actively engaged in academic pharmacy, appointed by the Kansas health policy authority from a list of four nominees provided by the university of Kansas;

(5) One licensed professional nurse actively engaged in long-term care nursing, nominated by the Kansas state nurses association and appointed by the Kansas health policy authority from a list of four nominees.

(c) The Kansas health policy authority may add two additional members so long as no class of professional representatives exceeds 51% of the membership.

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

(e) The appointments to the board shall be for terms of three years. In making the appointments, the Kansas health policy authority shall provide for geographic balance in the representation on the board to the extent possible. Subject to the provisions of subsection (i), members may be reappointed.

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

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

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

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

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

2. One member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a licensed adult care home and who is nominated by the state board of pharmacy and appointed by the Kansas health policy authority from a list of two or more nominees;

3. One member shall be a licensed physician who is actively engaged in the general practice of allopathic medicine and who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of two or more nominees;

4. One member shall be a licensed physician who is actively engaged in mental health practice providing care and treatment to persons with mental illness, who has practice experience with the state medicaid plan and who is nominated by the Kansas psychiatric society and appointed by the Kansas health policy authority from a list of two or more nominees;

5. One member shall be a licensed physician who is the medical director of a nursing facility, who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of two or more nominees;

6. One member shall be a licensed physician who is actively engaged in the general practice of osteopathic medicine, who has practice experience with the state medicaid plan and who is nominated by the Kansas association of osteopathic medicine and who is appointed by the Kansas health policy authority from a list of two or more nominees;

7. One member shall be a licensed pharmacist who is actively engaged
in retail pharmacy, who has practice experience with the state medicaid plan and who is nominated by the state board of pharmacy and appointed by the Kansas health policy authority from a list of two or more nominees;

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

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

Sec. 52. On January 1, 2012, K.S.A. 2010 Supp. 40-2,111 is hereby amended to read as follows: 40-2,111. As used in K.S.A. 40-2,111 through 40-2,113, and amendments thereto: (a) “Adverse underwriting decision” means: Any of the following actions with respect to insurance transactions involving insurance coverage which is individually underwritten:

(1) A declination of insurance coverage;
(2) a termination of insurance coverage;
(3) an offer to insure at higher than standard rates, with respect to life, health or disability insurance coverage; or
(4) the charging of a higher rate on the basis of information which differs from that which the applicant or policyholder furnished, with respect to property or casualty insurance coverage.

(b) “Declination of insurance coverage” means a denial, in whole or in part, by an insurance company or agent of requested insurance coverage.

(c) “Health care institution” means any medical care facility, adult care home, drug abuse and alcoholic treatment facility, home-health agency certified for federal reimbursement, mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, kidney disease treatment center, county, city-county or multicounty health departments and health-maintenance organization.

(d) “Health care provider” means any person licensed to practice any branch of the healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, licensed advanced practice registered nurse practitioners, licensed optometrist, licensed physical therapist, licensed social worker, licensed physician assistant, licensed podiatrist or licensed psychologist.

(e) “Institutional source” means any natural person, corporation, association, partnership or governmental or other legal entity that provides
information about an individual to an agent or insurance company, other than:

1. An agent;
2. the individual who is the subject of the information; or
3. a natural person acting in a personal capacity rather than a business or professional capacity.

(f) ‘‘Insurance transaction’’ means any transaction involving insurance, but not including group insurance coverage, primarily for personal, family or household needs rather than business or professional needs.

(g) ‘‘Medical-record information’’ means personal information which:
   1. Relates to an individual’s physical or mental condition, medical history or medical treatment; and
   2. is obtained from a health care provider or health care institution, from the individual, or from the individual’s spouse, parent or legal guardian.

(h) ‘‘Termination of insurance coverage’’ or ‘‘termination of an insurance policy’’ means either a cancellation, nonrenewal or lapse of an insurance policy, in whole or in part, for any reason other than:
   1. The failure to pay a premium as required by the policy; or
   2. at the request or direction of the insured.

Sec. 53. On January 1, 2012, K.S.A. 40-2250 is hereby amended to read as follows: 40-2250. (a) Notwithstanding any provision of an individual or group policy or contract for health and accident insurance delivered within the state, whenever such policy or contract shall provide for reimbursement for any services within the lawful scope of practice of an a licensed advanced practice registered nurse practitioner within the state of Kansas, the insured, or any other person covered by the policy or contract, shall be allowed and entitled to reimbursement for such service irrespective of whether it was provided or performed by a duly licensed physician or an a licensed advanced practice registered nurse practitioner.

(b) Notwithstanding the provisions of subsection (a), reimbursement shall be mandated with respect to services performed by an advanced registered nurse practitioner in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte counties.

(c) The provisions of subsection (b) shall expire on July 1, 1998.

Sec. 54. On January 1, 2012, K.S.A. 2010 Supp. 65-468 is hereby amended to read as follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and amendments thereto:

(a) ‘‘Health care provider’’ means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an
officer, employee or agent thereof, acting in the course and scope of employment or agency.

(b) “Member” means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.

(c) “Mid-level practitioner” means a physician assistant or advanced practice registered nurse practitioner who has entered into a written protocol with a rural health network physician.

(d) “Physician” means a person licensed to practice medicine and surgery.

(e) “Rural health network” means an alliance of members including at least one critical access hospital and at least one other hospital which has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding patient referral and transfer; the provision of emergency and nonemergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk management, quality assurance and peer review.

(f) “Critical access hospital” means a member of a rural health network which makes available twenty-four hour emergency care services; provides not more than 25 acute care inpatient beds or in the case of a facility with an approved swing-bed agreement a combined total of extended care and acute care beds that does not exceed 25 beds; provides acute inpatient care for a period that does not exceed, on an annual average basis, 96 hours per patient; and provides nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. The critical access hospital may provide any services otherwise required to be provided by a full-time, on-site dietician, pharmacist, laboratory technician, medical technologist and radiological technologist on a part-time, off-site basis under written agreements or arrangements with one or more providers or suppliers recognized under medicare. The critical access hospital may provide inpatient services by a physician assistant, advanced practice registered nurse practitioner or a clinical nurse specialist subject to the oversight of a physician who need not be present in the facility. In addition to the facility’s 25 acute beds or swing beds, or both, the critical access hospital may have a psychiatric unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither unit will count toward the 25-bed limit, nor will these units be subject to the average 96-hour length of stay restriction.

(g) “Hospital” means a hospital other than a critical access hospital which has entered into a written agreement with at least one critical access hospital.
hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the hospital’s capabilities.

Sec. 55. On January 1, 2012, K.S.A. 2010 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:
(a) “Administer” means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:
   (1) A practitioner or pursuant to the lawful direction of a practitioner;
   (2) the patient or research subject at the direction and in the presence of the practitioner; or
   (3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments thereto.
(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser but shall not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier’s or warehouseman’s business.
(c) “Authorized distributor of record” means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer’s prescription drug. An ongoing relationship is deemed to exist between such wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in section 1504 of the internal revenue code, complies with any one of the following: (1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship; and (2) the wholesale distributor is listed on the manufacturer’s current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.
(d) “Board” means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.
(e) “Brand exchange” means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed.
(f) “Brand name” means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.
(g) “Chain pharmacy warehouse” means a permanent physical location for drugs or devices, or both, that acts as a central warehouse and performs intracompany sales or transfers of prescription drugs or devices to chain pharmacies that have the same ownership or control. Chain pharmacy warehouses must be registered as wholesale distributors.
(h) “Co-licensee” means a pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a prescription drug and the national drug code on the drug
product label shall be used to determine the identity of the drug manufacturer.

(i) “Deliver” or “delivery” means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(j) “Direct supervision” means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.

(k) “Dispense” means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.

(l) “Dispenser” means a practitioner or pharmacist who dispenses prescription medication.

(m) “Distribute” means to deliver, other than by administering or dispensing, any drug.

(n) “Distributor” means a person who distributes a drug.

(o) “Drop shipment” means the sale, by a manufacturer, that manufacturer’s co-licensee, that manufacturer’s third party logistics provider, or that manufacturer’s exclusive distributor, of the manufacturer’s prescription drug, to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug, and the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug receives delivery of the prescription drug directly from the manufacturer, that manufacturer’s co-licensee, that manufacturer’s third party logistics provider, or that manufacturer’s exclusive distributor, of such prescription drug. Drop shipment shall be part of the “normal distribution channel.”:

(p) “Drug” means: (1) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2) or (3) of this subsection; but does not include devices or their components, parts or accessories, except that the term “drug” shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated prior to its repeal.

(q) “Durable medical equipment” means technologically sophisticated medical devices that may be used in a residence, including the following:
(1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory disease management devices; (4) continuous positive airway pressure (CPAP) devices; (5) electronic and computerized wheelchairs and seating systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss cutaneous pressure management devices; (9) sequential compression devices; (10) feeding pumps; (11) home phototherapy devices; (12) infusion delivery devices; (13) distribution of medical gases to end users for human consumption; (14) hospital beds; (15) nebulizers; (16) other similar equipment determined by the board in rules and regulations adopted by the board.

(r) “Exclusive distributor” means any entity that: (1) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution or other services on behalf of a manufacturer and who takes title to that manufacturer’s prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer’s prescription drug; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must be an authorized distributor of record.

(s) “Electronic transmission” means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

(t) “Generic name” means the established chemical name or official name of a drug or drug product.

(u) (1) “Institutional drug room” means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and which is maintained or operated for the purpose of providing the drug needs of:

(A) Inmates of a jail or correctional institution or facility;

(B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;

(C) students of a public or private university or college, a community college or any other institution of higher learning which is located in Kansas;

(D) employees of a business or other employer; or

(E) persons receiving inpatient hospice services.

(2) “Institutional drug room” does not include:

(A) Any registered pharmacy;

(B) any office of a practitioner; or

(C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(v) “Intracompany transaction” means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under
common ownership or control of a corporate entity, or any transaction or transfer between co-licensees of a co-licensed product.

(w) ‘‘Medical care facility’’ shall have the meaning provided in K.S.A. 65-425, and amendments thereto, except that the term shall also include facilities licensed under the provisions of K.S.A. 75-3307b, and amendments thereto, except community mental health centers and facilities for the mentally retarded.

(x) ‘‘Manufacture’’ means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the drug or labeling or relabeling of its container, except that this term shall not include the preparation or compounding of a drug by an individual for the individual’s own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner’s authorized agent incident to such practitioner’s administering or dispensing of a drug in the course of the practitioner’s professional practice;

(2) a practitioner, by a practitioner’s authorized agent or under a practitioner’s supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist’s authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

(y) ‘‘Manufacturer’’ means a person licensed or approved by the FDA to engage in the manufacture of drugs and devices.

(z) ‘‘Normal distribution channel’’ means a chain of custody for a prescription-only drug that goes from a manufacturer of the prescription-only drug, from that manufacturer to that manufacturer’s co-licensed partner, from that manufacturer to that manufacturer’s third-party logistics provider, or from that manufacturer to that manufacturer’s exclusive distributor, directly or by drop shipment, to:

(1) A pharmacy to a patient or to other designated persons authorized by law to dispense or administer such drug to a patient;

(2) a wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient;

(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse’s intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient; or

(4) a chain pharmacy warehouse to the chain pharmacy warehouse’s intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient.
(aa) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

(bb) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

(cc) "Pharmacist in charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist in charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

(dd) "Pharmacy," "drug store" or "apothecary" means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

(ee) "Pharmacy student" means an individual, registered with the board of pharmacy, enrolled in an accredited school of pharmacy.

(ff) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy related duties, but who does not perform duties restricted to a pharmacist.

(gg) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law, as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(hh) "Preceptor" means a licensed pharmacist who possesses at least two years’ experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.
(ii) "Prescription" means, according to the context, either a prescription order or a prescription medication.

(jj) "Prescription medication" means any drug, including label and container according to context, which is dispensed pursuant to a prescription order.

(kk) "Prescription-only drug" means any drug whether intended for use by man or animal, required by federal or state law (including 21 United States Code section 353 U.S.C. § 353, as amended), to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(ll) "Prescription order" means:

(1) An order to be filled by a pharmacist for prescription medication issued and signed by a practitioner or a mid-level practitioner in the authorized course of professional practice; or

(2) An order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such practitioner or mid-level practitioner.

(mm) "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

(nn) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior which demonstrates a manifest incapacity or incompetence to practice pharmacy.

(oo) "Retail dealer" means a person selling at retail nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

(pp) "Secretary" means the executive secretary of the board.

(qq) "Third party logistics provider" means an entity that: (1) Provides or coordinates warehousing, distribution or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug’s sale or disposition; (2) is registered as a wholesale distributor under the pharmacy act of the state of
Kansas; and (3) to be considered part of the normal distribution channel, must also be an authorized distributor of record.

(rr) "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;
(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;
(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;
(4) intentionally falsifying or altering records or prescriptions;
(5) unlawful possession of drugs and unlawful diversion of drugs to others;
(6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;
(7) conduct likely to deceive, defraud or harm the public;
(8) making a false or misleading statement regarding the licensee’s professional practice or the efficacy or value of a drug;
(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee’s professional practice; or
(10) performing unnecessary tests, examinations or services which have no legitimate pharmaceutical purpose.

(ss) "Mid-level practitioner" means an advanced practice registered nurse practitioner issued a certificate of qualification license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

(tt) “Vaccination protocol” means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, which establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

(uu) “Veterinary medical teaching hospital pharmacy” means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a nonhuman.

(vv) “Wholesale distributor” means any person engaged in wholesale distribution of prescription drugs or devices in or into the state, including, but not limited to, manufacturers, repackers, own-label distributors, private-label distributors, jobbers, brokers, warehouses, including manufacturers’ and distributors’ warehouses, co-licensees, exclusive distributors, third party logistics providers, chain pharmacy warehouses that conduct wholesale distributions, and wholesale drug warehouses, independent wholesale drug traders and retail pharmacies that conduct wholesale distri-
butions. Wholesale distributor shall not include persons engaged in the sale of durable medical equipment to consumers or patients.

(ww) “Wholesale distribution” means the distribution of prescription drugs or devices by wholesale distributors to persons other than consumers or patients, and includes the transfer of prescription drugs by a pharmacy to another pharmacy if the total number of units of transferred drugs during a twelve-month period does not exceed 5% of the total number of all units dispensed by the pharmacy during the immediately preceding twelve-month period. Wholesale distribution does not include: (1) The sale, purchase or trade of a prescription drug or device, an offer to sell, purchase or trade a prescription drug or device or the dispensing of a prescription drug or device pursuant to a prescription; (2) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device for emergency medical reasons; (3) intracompany transactions, as defined in this section, unless in violation of own use provisions; (4) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device among hospitals, chain pharmacy warehouses, pharmacies or other health care entities that are under common control; (5) the sale, purchase or trade of a prescription drug or device or the offer to sell, purchase or trade a prescription drug or device by a charitable organization described in 503(c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law; (6) the purchase or other acquisition by a hospital or other similar health care entity that is a member of a group purchasing organization of a prescription drug or device for its own use from the group purchasing organization or from other hospitals or similar health care entities that are members of these organizations; (7) the transfer of prescription drugs or devices between pharmacies pursuant to a centralized prescription processing agreement; (8) the sale, purchase or trade of blood and blood components intended for transfusion; (9) the return of recalled, expired, damaged or otherwise non-salable prescription drugs, when conducted by a hospital, health care entity, pharmacy, chain pharmacy warehouse or charitable institution in accordance with the board’s rules and regulations; (10) the sale, transfer, merger or consolidation of all or part of the business of a retail pharmacy or pharmacies from or with another retail pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets, in accordance with the board’s rules and regulations; (11) the distribution of drug samples by manufacturers’ and authorized distributors’ representatives; (12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use; or (13) the sale or transfer from a retail pharmacy or chain pharmacy warehouse of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third party returns processor in accordance with the board’s rules and regulations.
Sec. 56. On and after January 1, 2012, K.S.A. 2010 Supp. 65-2921 is hereby amended to read as follows: 65-2921. (a) Except as otherwise provided in subsection (b), (c) or (d), a physical therapist may evaluate patients without physician referral but may initiate treatment only after approval by a licensed physician, a licensed podiatrist, a licensed physician assistant or an advanced practice registered nurse practitioner working pursuant to the order or direction of a licensed physician, a licensed chiropractor, a licensed dentist or licensed optometrist in appropriately related cases. Physical therapists may initiate physical therapy treatment with the approval of a practitioner of the healing arts duly licensed under the laws of another state and may provide such treatment based upon an order by such practitioner in any setting in which physical therapists would be authorized to provide such treatment with the approval of a physician licensed by the board, notwithstanding any provisions of the Kansas healing arts act or any rules and regulations adopted by the board thereunder.

(b) Physical therapists may evaluate and treat a patient for no more than 30 consecutive calendar days without a referral under the following conditions: (1) The patient has previously been referred to a physical therapist for physical therapy services by a person authorized by this section to approve treatment; (2) the patient’s referral for physical therapy was made within one year from the date a physical therapist implements a program of physical therapy treatment without a referral; (3) the physical therapy being provided to the patient without referral is for the same injury, disease or condition as indicated in the referral for such previous injury, disease or condition; and (4) the physical therapist transmits to the physician or other practitioner identified by the patient a copy of the initial evaluation no later than five business days after treatment commences. Treatment of such patient for more than 30 consecutive calendar days of such patient shall only be upon the approval of a person authorized by this section to approve treatment.

(c) Physical therapists may provide, without a referral, services which do not constitute treatment for a specific condition, disease or injury to: (1) Employees solely for the purpose of education and instruction related to workplace injury prevention; or (2) the public for the purpose of fitness, health promotion and education.

(d) Physical therapists may provide services without a referral to special education students who need physical therapy services to fulfill the provisions of their individualized education plan (IEP) or individualized family service plan (IFSP).

Sec. 57. On January 1, 2012, K.S.A. 2010 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research
subject by: (1) A practitioner or pursuant to the lawful direction of a practitioner; or
(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) “Board” means the state board of pharmacy.

(d) “Bureau” means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(e) “Controlled substance” means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments to these sections thereto.

(f) “Counterfeit substance” means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) “Deliver” or “delivery” means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(h) “Dispense” means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(i) “Dispenser” means a practitioner or pharmacist who dispenses.

(j) “Distribute” means to deliver other than by administering or dispensing a controlled substance.

(k) “Distributor” means a person who distributes.

(l) “Drug” means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2) or (3) of this subsection. It does not include devices or their components, parts or accessories.

(m) “Immediate precursor” means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufac-
nature of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(n) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual’s own lawful use or the preparation, compounding, packaging or labeling of a controlled substance: (1) By a practitioner or the practitioner’s agent pursuant to a lawful order of a practitioner as an incident to the practitioner’s administering or dispensing of a controlled substance in the course of the practitioner’s professional practice; or

(2) by a practitioner or by the practitioner’s authorized agent under such practitioner’s supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(o) “Marijuana” means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(p) “Narcotic drug” means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or eugonine.

(q) “Opiate” means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability.
It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) “Opium poppy” means the plant of the species *Papaver somniferum* L. except its seeds.

(s) “Person” means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(t) “Poppy straw” means all parts, except the seeds, of the opium poppy, after mowing.

(u) “Pharmacist” means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(v) “Practitioner” means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(w) “Production” includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(x) “Ultimate user” means a person who lawfully possesses a controlled substance for such person’s own use or for the use of a member of such person’s household or for administering to an animal owned by such person or by a member of such person’s household.

(y) “Isomer” means all enantiomers and diastereomers.

(z) “Medical care facility” shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(aa) “Cultivate” means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(bb) (1) “Controlled substance analog” means a substance that is intended for human consumption, and:

(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled sub-
stance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) ‘‘Controlled substance analog’’ does not include:
(A) A controlled substance;
(B) a substance for which there is an approved new drug application;
or
(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act (21 U.S.C. § 355) to the extent conduct with respect to the substance is permitted by the exemption.

(cc) ‘‘Mid-level practitioner’’ means an advanced practice registered nurse practitioner issued a certificate of qualification license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

(a) ‘‘Board’’ means the state board of healing arts.
(b) ‘‘Practice of occupational therapy’’ means the therapeutic use of purposeful and meaningful occupations (goal-directed activities) to evaluate and treat, pursuant to the referral, supervision, order or direction of a physician, a licensed podiatrist, a licensed dentist, a licensed physician assistant, or a licensed advanced practice registered nurse practitioner working pursuant to the order or direction of a person licensed to practice medicine and surgery, a licensed chiropractor, or a licensed optometrist, individuals who have a disease or disorder, impairment, activity limitation or participation restriction that interferes with their ability to function independently in daily life roles and to promote health and wellness. Occupational therapy intervention may include:
   (1) Remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological or neurological cognitive processes;
   (2) adaptation of tasks, process, or the environment or the teaching of compensatory techniques in order to enhance performance;
   (3) disability prevention methods and techniques that facilitate the development or safe application of performance skills; and
   (4) health promotion strategies and practices that enhance performance abilities.
(c) ‘‘Occupational therapy services’’ include, but are not limited to:
(1) Evaluating, developing, improving, sustaining, or restoring skills in activities of daily living (ADL), work or productive activities, including instrumental activities of daily living (IADL) and play and leisure activities;
(2) evaluating, developing, remediating, or restoring sensorimotor, cognitive or psychosocial components of performance;
(3) designing, fabricating, applying, or training in the use of assistive technology or orthotic devices and training in the use of prosthetic devices;
(4) adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;
(5) applying physical agent modalities as an adjunct to or in preparation for engagement in occupations;
(6) evaluating and providing intervention in collaboration with the client, family, caregiver or others;
(7) educating the client, family, caregiver or others in carrying out appropriate nonskilled interventions; and
(8) consulting with groups, programs, organizations or communities to provide population-based services.
(d) “Occupational therapist” means a person licensed to practice occupational therapy as defined in this act.
(e) “Occupational therapy assistant” means a person licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist.
(f) “Person” means any individual, partnership, unincorporated organization or corporation.
(g) “Physician” means a person licensed to practice medicine and surgery.
(h) “Occupational therapy aide,” “occupational therapy tech” or “occupational therapy paraprofessional” means a person who provides supportive services to occupational therapists and occupational therapy assistants in accordance with K.S.A. 65-5419, and amendments thereto.
Sec. 59. On January 1, 2012, K.S.A. 2010 Supp. 65-6112, as amended by section 82 of this act, is hereby amended to read as follows: 65-6112. As used in this act:
(a) “Administrator” means the executive director of the emergency medical services board.
(b) “Advanced emergency medical technician” means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.
(c) “Advanced practice registered nurse practitioner” means an advanced practice registered nurse practitioner as defined in K.S.A. 65-1113, and amendments thereto.
(d) “Ambulance” means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and
equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Attendant" means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to this act.

(g) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(h) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced practice registered nurse, professional nurse, a licensed physician assistant or attendant.

(i) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.

(j) "Emergency medical technician-defibrillator" means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.

(k) "Emergency medical technician-intermediate" means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.

(l) "Emergency medical technician-intermediate/defibrillator" means a person who holds both an emergency medical technician-intermediate and emergency medical technician-defibrillator certificate issued pursuant to this act.

(m) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

(n) "First responder" means a person who holds a first responder certificate issued pursuant to this act.

(o) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(p) "Instructor-coordinator" means a person who is certified under this act to teach initial certification and continuing education classes.

(q) "Medical director" means a physician.

(r) "Medical protocols" mean written guidelines which authorize attendants to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced practice registered nurse, registered nurse authorized by a physician or professional nurse.
authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

(s) ‘‘Mobile intensive care technician’’ means a person who holds a mobile intensive care technician certificate issued pursuant to this act.

(t) ‘‘Municipality’’ means any city, county, township, fire district or ambulance service district.

(u) ‘‘Nonemergency transportation’’ means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.

(v) ‘‘Operator’’ means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

(w) ‘‘Paramedic’’ means a person who holds a paramedic certificate issued pursuant to this act.

(x) ‘‘Person’’ means an individual, a partnership, an association, a joint-stock company or a corporation.

(y) ‘‘Physician’’ means a person licensed by the state board of healing arts to practice medicine and surgery.

(z) ‘‘Physician assistant’’ means a person who is licensed under the physician assistant licensure act and who is acting under the direction of a responsible physician.

(aa) ‘‘Professional nurse’’ means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

(bb) ‘‘Provider of training’’ means a corporation, partnership, accredited postsecondary education institution, ambulance service, fire department, hospital or municipality that conducts training programs that include, but are not limited to, initial courses of instruction and continuing education for attendants, instructor-coordinators or training officers.

(cc) ‘‘Responsible physician’’ means responsible physician as such term is defined under K.S.A. 65-28a02, and amendments thereto.

(dd) ‘‘Training officer’’ means a person who is certified pursuant to this act to teach, coordinate or both, initial courses of instruction for first responders or emergency medical responders and continuing education as prescribed by the board.

Sec. 60. On January 1, 2012, K.S.A. 2010 Supp. 65-6119 is hereby amended to read as follows: 65-6119. (a) Notwithstanding any other provision of law, mobile intensive care technicians may:

(1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6123, 65-6144, and amendments thereto;
(2) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician, an advanced practice registered nurse practitioners where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person may administer such medications or procedures as may be deemed necessary by a person identified in subsection (a)(2);

(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting a person identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; and

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as a mobile intensive care technician once meeting the continuing education requirements prescribed by the rules and regulations of the board, upon application for renewal, shall be deemed to hold a certificate as a paramedic under this act, and such individual shall not be required to file an original application as a paramedic for certification under this act.

(c) ‘‘Renewal’’ as used in subsection (b), refers to the first opportunity that a mobile intensive care technician has to apply for renewal of a certificate following the effective date of this act.

(d) Upon transition notwithstanding any other provision of law, a paramedic may:

(1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6144, and amendments thereto;

(2) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician or an advanced practice registered nurse practitioners where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person may administer such medications or procedures as may be deemed necessary by a person identified in subsection (d)(2);

(3) perform, during an emergency, those activities specified in subsection (d)(2) before contacting a person identified in subsection (d)(2) when specifically authorized to perform such activities by medical protocols; and

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

Sec. 61. On January 1, 2012, K.S.A. 2010 Supp. 65-6120, as amended by section 83 of this act, is hereby amended to read as follows: 65-6120.

(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:
(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto;
(2) when approved by medical protocols or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced practice registered nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;
(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or
(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-intermediate once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be re-
quired to file an original application for certification as an emergency medical technician or emergency medical responder.

(e) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(f) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:
   (1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and
   (2) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician, or licensed professional nurse where authorized by a physician upon order of such a person: (A) Continuous positive airway pressure devices; (B) advanced airway management; (C) referral of patient of alternate medical care site based on assessment; (D) transportation of a patient with a capped arterial line; (E) veni-puncture for obtaining blood sample; (F) initiation and maintenance of intravenous infusion or saline lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I) manual defibrillation and cardioversion; (J) cardiac monitoring; (K) electrocardiogram interpretation; (L) administration of generic or trade name medications by one or more of the following methods: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v) rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix) sublingual.

(g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(h) “Renewal” as used in subsection (g), refers to the first or second opportunity after December 31, 2011, that an emergency medical techni-
cian-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate.

(i) An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(j) Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.

Sec. 62. On January 1, 2012, K.S.A. 2010 Supp. 65-6121, as amended by section 84 of this act, is hereby amended to read as follows: 65-6121.

(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any of the following activities:

1. Patient assessment and vital signs;
2. Airway maintenance including the use of:
   A. Oropharyngeal and nasopharyngeal airways;
   B. Esophageal obturator airways with or without gastric suction device;
   C. Multi-lumen airway; and
   D. Oxygen demand valves.
3. Oxygen therapy;
4. Oropharyngeal suctioning;
5. Cardiopulmonary resuscitation procedures;
6. Control accessible bleeding;
7. Apply pneumatic anti-shock garment;
8. Manage outpatient medical emergencies;
9. Extricate patients and utilize lifting and moving techniques;
10. Manage musculoskeletal and soft tissue injuries including dressing
and bandaging wounds or the splinting of fractures, dislocations, sprains or
strains;
(11) use of backboards to immobilize the spine;
(12) administer activated charcoal and glucose;
(13) monitor intravenous line delivering intravenous fluids during in-
terfacility transport with the following restrictions:
(A) The physician approves the transfer by an emergency medical tech-
nician;
(B) no medications or nutrients have been added to the intravenous
fluids; and
(C) the emergency medical technician may monitor, maintain and shut
off the flow of intravenous fluid;
(14) use automated external defibrillators;
(15) administer epinephrine auto-injectors provided that:
(A) The emergency medical technician successfully completes a course
of instruction approved by the board in the administration of epinephrine;
(B) the emergency medical technician serves with an ambulance serv-
ice or a first response organization that provides emergency medical serv-
ices; and
(C) the emergency medical technician is acting pursuant to medical
protocols;
(16) perform, during nonemergency transportation, those activities
specified in this section when specifically authorized to perform such ac-
tivities by medical protocols; or
(17) when authorized by medical protocol, assist the patient in the ad-
ministration of the following medications which have been prescribed for
that patient: Auto-injection epinephrine, sublingual nitroglycerin and in-
halers for asthma and emphysema.

(b) An individual who holds a valid certificate as an emergency medical
technician at the current basic level once successfully completing the board
prescribed transition course, and validation of cognitive and psychomotor
competency as determined by rules and regulations of the board, may apply
to transition to become an emergency medical technician. Alternatively,
upon application for renewal, such individual shall be deemed to hold a
certificate as an emergency medical technician under this act, provided such
individual has completed all continuing education hour requirements inclu-
sive of successful completion of a transition course, and such individual
shall not be required to file an original application for certification as an
emergency medical technician.

(c) “Renewal” as used in subsection (b), refers to the first opportunity
after December 31, 2011, that an emergency medical technician has to apply
for renewal of a certificate following the effective date of this act.

(d) Emergency medical technicians who fail to meet the transition
requirements as specified may successfully complete the board prescribed
emergency medical responder transition course, provide validation of cog-
nitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Alternatively, upon application for renewal of an emergency medical technician certificate, the applicant shall be deemed to hold a certificate as an emergency medical responder under this act, and such individual shall not be required to file an original application for certification as an emergency medical responder.

(e) Failure to successfully complete either an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(f) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144, and amendments thereto, and any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:

1. Airway maintenance including use of:
   A. Single lumen airways as approved by the board;
   B. Multilumen airways;
   C. Ventilator devices;
   D. Forceps removal of airway obstruction;
   E. CO2 monitoring;
   F. Airway suctioning;
2. Apply pneumatic anti-shock garment;
3. Assist with childbirth;
4. Monitoring urinary catheter;
5. Capillary blood sampling;
6. Cardiac monitoring;
7. Administration of patient assisted medications as approved by the board;
8. Administration of medications as approved by the board by appropriate routes; and
9. Monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician.

Sec. 63. On January 1, 2012, K.S.A. 2010 Supp. 65-6123, as amended by section 85 of this act, is hereby amended to read as follows: 65-6123.
(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-defibrillator may:
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(1) Perform any of the activities identified in K.S.A. 65-6121, and amendments thereto;

(2) when approved by medical protocols or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced practice registered nurse where authorized by a physician, or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform electrocardiographic monitoring and defibrillation;

(3) perform, during an emergency, those activities specified in subsection (b) before contacting the persons identified in subsection (b) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-defibrillator once successfully completing an emergency medical technician-intermediate, initial course of instruction and the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician.

(c) “Renewal” as used in subsection (b), refers to the second opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate.

(d) Emergency medical technician-defibrillator attendants who fail to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-defibrillator may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application
for certification as an emergency medical technician or emergency medical responder.

(e) Failure to complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or an emergency medical responder transition course will result in loss of certification.

Sec. 64. On January 1, 2012, K.S.A. 2010 Supp. 65-6124, as amended by section 86 of this act, is hereby amended to read as follows: 65-6124.

(a) No physician, physician assistant, advanced practice registered nurse or licensed professional nurse, who gives emergency instructions to an attendant as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.

(b) No attendant as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the responsible physician for a physician assistant, advanced practice registered nurse or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such attendant as defined by K.S.A. 65-6112, and amendments thereto.

(c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator’s or training officer’s course of instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator or training officer.

(d) No medical adviser who reviews, approves and monitors the activities of attendants shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring.

Sec. 65. On January 1, 2012, K.S.A. 2010 Supp. 65-6129c is hereby amended to read as follows: 65-6129c. (a) Application for a training officer’s certificate shall be made to the emergency medical services board upon forms provided by the administrator. The board may grant a training officer’s certificate to an applicant who: (1) Is an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, mobile intensive care technician, advanced emergency medical technician, paramedic, physician, physician assistant, advanced practice registered nurse or professional nurse; (2) successfully completes an initial course of training approved by the board; (3) passes an examination prescribed by the board; (4) is appointed by a pro-
(b) A training officer’s certificate shall expire on the expiration date of
the attendant’s certificate if the training officer is an attendant or on the
expiration date of the physician’s, physician assistant’s, advanced practice
registered nurse practitioner’s nurse’s or professional nurse’s license if the
training officer is a physician, physician assistant, advanced practice reg-
istered nurse practitioner or professional nurse. A training officer’s certif-
icate may be renewed for the same period as the attendant’s certificate or
the physician’s, physician assistant’s, advanced practice registered nurse
practitioner’s nurse’s or professional nurse’s license upon payment of a fee
as prescribed by rules and regulations and upon presentation of satisfactory
proof that the training officer has successfully completed continuing edu-
cation prescribed by the board and is certified as an emergency medical
technician, emergency medical technician-intermediate, emergency medical
technician-defibrillator, mobile-intensive care technician, advanced emer-
gency medical technician, paramedic, physician, physician assistant, ad-
vanced practice registered nurse practitioner or professional nurse. The
board may prorate to the nearest whole month the fee fixed under this
subsection as necessary to implement the provisions of this subsection.

(c) A training officer’s certificate may be denied, revoked, limited,
modified or suspended by the board or the board may refuse to renew such
certificate if such individual:

(1) Fails to maintain certification or licensure as an emergency medical
technician, emergency medical technician-intermediate, emergency medical
technician-defibrillator, mobile intensive care technician, advanced emer-
gency medical technician, paramedic, physician, physician assistant, ad-
vanced practice registered nurse practitioner or professional nurse;

(2) fails to maintain support of appointment by a provider of training;

(3) fails to successfully complete continuing education;

(4) has made intentional misrepresentations in obtaining a certificate or
renewing a certificate;

(5) has demonstrated incompetence or engaged in unprofessional con-
duct as defined by rules and regulations adopted by the board;

(6) has violated or aided and abetted in the violation of any provision
of this act or the rules and regulations promulgated by the board; or

(7) has been convicted of any state or federal crime that is related sub-
stantially to the qualifications, functions and duties of a training officer or
any crime punishable as a felony under any state or federal statute and the
board determines that such individual has not been sufficiently rehabilitated
to warrant public trust. A conviction means a plea of guilty, a plea of nolo
contendere or a verdict of guilty. The board may take disciplinary action
pursuant to this section when the time for appeal has elapsed, or after the
judgment of conviction is affirmed on appeal or when an order granting
probation is made suspending the imposition of sentence.
(d) The board may revoke, limit, modify or suspend a certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

(e) If a person who previously was certified as a training officer applies for a training officer’s certificate within two years of the date of its expiration, the board may grant a certificate without the person completing an initial course of training or taking an examination if the person complies with the other provisions of subsection (a) and completes continuing education requirements.

Sec. 66. On January 1, 2012, K.S.A. 2010 Supp. 65-6135 is hereby amended to read as follows: 65-6135. (a) All ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service 24 hours per day every day of the year.

(b) Whenever an operator is required to have a permit, at least one person on each vehicle providing emergency medical service shall be an attendant certified as an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, a mobile intensive care technician, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, a paramedic, a physician, a licensed physician assistant, or a professional nurse.

Sec. 67. On January 1, 2012, K.S.A. 2010 Supp. 65-6144, as amended by section 91 of this act, is hereby amended to read as follows: 65-6144. (a) A first responder may perform any of the following activities:

1. Initial scene management including, but not limited to, gaining access to the individual in need of emergency care, extricating, lifting and moving the individual;
2. Cardiopulmonary resuscitation and airway management;
3. Control of bleeding;
4. Extremity splinting excluding traction splinting;
5. Stabilization of the condition of the individual in need of emergency care;
6. Oxygen therapy;
7. Use of oropharyngeal airways;
8. Use of bag valve masks;
9. Use automated external defibrillators; and
10. Other techniques of preliminary care a first responder is trained to provide as approved by the board.

(b) An individual who holds a valid certificate as a first responder, once completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an emergency medical responder. Alternatively, upon application for renewal of such certificate, such individual shall be deemed to hold a certificate as an emergency med-
ical responder under this act, provided such individual has completed all continuing education hour requirements inclusive of a transition course and such individual shall not be required to file an original application for certification as an emergency medical responder.

(c) “Renewal” as used in subsection (b), refers to the first opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate.

(d) First responder attendants who fail to meet the transition requirements as specified will forfeit their certification.

(e) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person: (1) Emergency vehicle operations; (2) initial scene management; (3) patient assessment and stabilization; (4) cardiopulmonary resuscitation and airway management; (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization; (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of automated external defibrillator; (11) nebulizer therapy; (12) intramuscular injections with auto-injector; (13) administration of oral glucose; (14) administration of aspirin; (15) recognize and comply with advanced directives; (16) insertion and maintenance of oral and nasal pharyngeal airways; (17) use of blood glucose monitoring; and (18) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.

Sec. 68. On January 1, 2012, K.S.A. 2010 Supp. 72-5213 is hereby amended to read as follows: 72-5213. (a) Every board of education shall require all employees of the school district, who come in regular contact with the pupils of the school district, to submit a certification of health on a form prescribed by the secretary of health and environment and signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a license certificate of qualification to practice as an advanced practice registered nurse practitioner under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery. The certification shall include a statement that there is no evidence of physical condition that
would conflict with the health, safety, or welfare of the pupils; and that freedom from tuberculosis has been established by chest x-ray or negative tuberculin skin test. If at any time there is reasonable cause to believe that any such employee of the school district is suffering from an illness detrimental to the health of the pupils, the school board may require a new certification of health.

(b) Upon presentation of a signed statement by the employee of a school district, to whom the provisions of subsection (a) apply, that the employee is an adherent of a religious denomination whose religious teachings are opposed to physical examinations, the employee shall be permitted to submit, as an alternative to the certification of health required under subsection (a), certification signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a certificate of qualification to practice as an advanced practice registered nurse practitioner under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery that freedom of the employee from tuberculosis has been established.

(c) Every board of education may require persons, other than employees of the school district, to submit to the same certification of health requirements as are imposed upon employees of the school district under the provisions of subsection (a) if such persons perform or provide services to or for a school district which require such persons to come in regular contact with the pupils of the school district. No such person shall be required to submit a certification of health if the person presents a signed statement that the person is an adherent of a religious denomination whose religious teachings are opposed to physical examinations. Such persons shall be permitted to submit, as an alternative to a certification of health, certification signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a certificate of qualification to practice as an advanced practice registered nurse practitioner under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery that freedom of such persons from tuberculosis has been established.

(d) The expense of obtaining certifications of health and certifications of freedom from tuberculosis may be borne by the board of education.

Sec. 69. On January 1, 2012, K.S.A. 2010 Supp. 72-8252 is hereby amended to read as follows: 72-8252: (a) As used in this section:

(1) ‘’Medication’’ means a medicine prescribed by a health care pro-
vider for the treatment of anaphylaxis or asthma including, but not limited
to, any medicine defined in section 201 of the federal food, drug and cos-
metic act, inhaled bronchodilators and auto-injectible epinephrine.

(2) ‘‘Health care provider’’ means: (A) A physician licensed to practice
medicine and surgery; (B) an advanced practice registered nurse
practitioner issued a certificate of qualification license pursuant to K.S.A. 65-
1131, and amendments thereto, who has authority to prescribe drugs as
provided by K.S.A. 65-1130, and amendments thereto; or (C) a physician
assistant licensed pursuant to the physician assistant licensure act who has
authority to prescribe drugs pursuant to a written protocol with a responsible
physician under K.S.A. 65-28a08, and amendments thereto.

(3) ‘‘School’’ means any public or accredited nonpublic school.

(4) ‘‘Self-administration’’ means a student’s discretionary use of such
student’s medication pursuant to a prescription or written direction from a
health care provider.

(b) Each school district shall adopt a policy authorizing the self-ad-
ministration of medication by students enrolled in kindergarten or any of
the grades 1 through 12. A student shall meet all requirements of a policy
adopted pursuant to this subsection. Such policy shall include:

(1) A requirement of a written statement from the student’s health care
provider stating the name and purpose of the medication; the prescribed
dosage; the time the medication is to be regularly administered, and any
additional special circumstances under which the medication is to be ad-
ministered; and the length of time for which the medication is prescribed;

(2) a requirement that the student has demonstrated to the health care
provider or such provider’s designate and the school nurse or such nurse’s
designee the skill level necessary to use the medication and any device that
is necessary to administer such medication as prescribed. If there is no
school nurse, the school shall designate a person for the purposes of this
subsection;

(3) a requirement that the health care provider has prepared a written
treatment plan for managing asthma or anaphylaxis episodes of the student
and for medication use by the student during school hours;

(4) a requirement that the student’s parent or guardian has completed
and submitted to the school any written documentation required by the
school, including the treatment plan prepared as required by paragraph (3)
and documents related to liability;

(5) a requirement that all teachers responsible for the student’s super-
vision shall be notified that permission to carry medications and self-med-
icate has been granted; and

(6) any other requirement imposed by the school district pursuant to
this section and subsection (e) of K.S.A. 72-8205, and amendments thereto.

(c) A school district shall require annual renewal of parental authori-
zation for the self-administration of medication.

(d) A school district, and its officers, employees and agents, which
authorizes the self-administration of medication in compliance with the provisions of this section shall not be held liable in any action for damage, injury or death resulting directly or indirectly from the self-administration of medication.

(e) A school district shall provide written notification to the parent or guardian of a student that the school district and its officers, employees and agents are not liable for damage, injury or death resulting directly or indirectly from the self-administration of medication. The parent or guardian of the student shall sign a statement acknowledging that the school district and its officers, employees or agents incur no liability for damage, injury or death resulting directly or indirectly from the self-administration of medication and agreeing to release, indemnify and hold the school and its officers, employees and agents, harmless from and against any claims relating to the self-administration of such medication.

(f) A school district shall require that any back-up medication provided by the student’s parent or guardian be kept at the student’s school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(g) A school district shall require that information described in paragraphs (3) and (4) of subsection (b) be kept on file at the student’s school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(h) An authorization granted pursuant to subsection (b) shall allow a student to possess and use such student’s medication at any place where a student is subject to the jurisdiction or supervision of the school district or its officers, employees or agents.

(i) A board of education may adopt a policy pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto, which:

(1) Imposes requirements relating to the self-administration of medication which are in addition to those required by this section; and

(2) establishes a procedure for, and the conditions under which, the authorization for the self-administration of medication may be revoked.

Sec. 70. On January 1, 2012, K.S.A. 2010 Supp. 74-1106 is hereby amended to read as follows: 74-1106. (a) Appointment, term of office. (1) The governor shall appoint a board consisting of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses and three shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.
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(3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list, with the first appointment being for a term of four years and the second appointment being for a term of two years. Upon the expiration of the term of any licensed practical nurse, a successor of like qualifications shall be appointed in the same manner as the original appointment for a term of four years and until a successor is appointed and qualified.

(4) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.

(5) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board. With the expiration of terms for the registered professional nurse from education and one public member in July, 2003, the next appointments for those two positions will be for only one year. Thereafter the two positions shall be appointed for terms of four years.

(b) Qualifications of members. Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years’ experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years’ experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced practice registered nurse practitioner or a registered nurse anesthetist. The consumer members shall represent the interests of the general public. At least one consumer member shall not have been involved in providing health care. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(c) Duties and powers. (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service under the Kansas civil
service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

(2) The board shall adopt rules and regulations consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

(3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board.

(4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

(5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public inspection.

(6) The board may enter into contracts as may be necessary to carry out its duties.

(7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all monies received by it under this paragraph (7) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the grants and gifts fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts.
and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.

(8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.

(d) Subpoenas. In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) Compensation and expenses. Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. No member of the board of nursing shall be paid an amount as provided in K.S.A. 75-3223, and amendments thereto, if such member receives an amount from another governmental or private entity for the purpose for which such amount is payable under K.S.A. 75-3223, and amendments thereto.

Sec. 71. On January 1, 2012, K.S.A. 74-32,131 is hereby amended to read as follows: 74-32,131. This act shall be known and may be cited as the advanced practice registered nurse practitioner service scholarship program.

Sec. 72. On January 1, 2012, K.S.A. 74-32,132 is hereby amended to read as follows: 74-32,132. As used in this act:

(a) ‘‘Committee’’ means the nursing service scholarship review committee established under K.S.A. 74-3299, and amendments thereto.

(b) ‘‘Executive officer’’ means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.

(c) ‘‘Educational and training program for advanced practice registered nurses’’ means a post-basic nursing education program a graduate of which meets the education requirements of the board of nurs-
ing for a certificate of qualification licensure as an advanced practice registered nurse practitioner.

(d) "Medically underserved area" means a practice location designated medically underserved by the secretary of health and environment.

(e) "Rural area" means any county of this state other than Douglas, Johnson, Sedgwick, Shawnee and Wyandotte counties.

Sec. 73. On January 1, 2012, K.S.A. 74-32,133 is hereby amended to read as follows: 74-32,133. (a) There is hereby established the advanced practice registered nurse practitioner services scholarship program. Within the limits of appropriations therefor, a scholarship may be awarded under the program to any qualified student enrolled in or admitted to an educational and training program for advanced practice registered nurse practitioners. The number of scholarships awarded under the program in any year shall not exceed 12.

(b) The determination of the individuals qualified for scholarships shall be made by the executive officer after seeking advice from the committee. Scholarships shall be awarded on a priority basis to qualified applicants in the advanced practice registered nurse practitioner categories roles of nurse clinician or advanced practice registered nurse practitioner or clinical specialist who have the greatest financial need for such scholarships and who are residents of this state. To the extent practicable and consistent with the other provisions of this section, consideration shall be given to minority applicants.

(c) Scholarships awarded under the program shall be awarded for the length of the course of instruction required for graduation as an advanced practice registered nurse practitioner unless terminated before expiration of such period of time. Such scholarships shall provide (1) to a student enrolled in or admitted to an educational and training program for advanced practice registered nurse practitioners nurses operated by a state educational institution the payment of an amount not to exceed 70% of the cost of attendance for a year, and (2) to a student enrolled in or admitted to an educational and training program for advanced practice registered nurse practitioners nurses operated by an independent institution of higher education the payment of an amount not to exceed 70% of the average amount of the cost of attendance for a year in educational and training programs for advanced practice registered nurse practitioners nurses operated by the state educational institutions. The amount of each scholarship shall be established annually by the executive officer and shall be financed by the state of Kansas.

Sec. 74. On January 1, 2012, K.S.A. 74-32,134 is hereby amended to read as follows: 74-32,134. (a) An applicant for a scholarship under the advanced practice registered nurse practitioner service scholarship program shall provide to the executive officer, on forms supplied by the executive officer, the following information:

(1) The name and address of the applicant;
(2) the name and address of the educational and training program for advanced practice registered nurses in which the applicant is enrolled or to which the applicant has been admitted; and

(3) any additional information which may be required by the executive officer.

(b) As a condition to awarding a scholarship under this act, the executive officer and the applicant for a scholarship shall enter into an agreement which shall require that the scholarship recipient:

(1) Engage as a full-time student in and complete the required course of instruction leading to the certificate of qualification as an advanced practice registered nurse practitioner;

(2) within six months after graduation from the educational and training program for advanced practice registered nurses, commence full-time practice as an advanced practice registered nurse practitioner, or commence the equivalent to full-time practice, or commence part-time practice as an advanced practice registered nurse practitioner, in a rural area or a medically underserved area, continue such practice for the total amount of time required under the agreement, and comply with such other terms and conditions as may be specified by the agreement;

(3) commence full-time practice, or the equivalent to full-time practice, as an advanced practice registered nurse practitioner in a rural area or medically underserved area and continue such full-time practice, or the equivalent to full-time practice, in a rural area or medically underserved area for the total amount of time required under the agreement, which shall be for a period of not less than the length of the course of instruction for which the scholarship assistance was provided, or commence part-time practice in a rural area or medically underserved area and continue such part-time practice in a rural area or medically underserved area for the total amount of time required under the agreement, which shall be for a period of time that is equivalent to full time, as determined by the state board of regents, multiplied by the length of the course of instruction for which the scholarship assistance was provided;

(4) maintain records and make reports to the executive officer as may be required by the executive officer to document the satisfaction of the obligation under this act; and

(5) upon failure to satisfy an agreement to engage in full-time practice as an advanced practice registered nurse practitioner, or the equivalent to full-time practice, or in part-time practice, in a rural area or medically underserved area for the required period of time under any such agreement, repay to the state amounts as provided in K.S.A. 74-32,135, and amendments thereto.

Sec. 75. On January 1, 2012, K.S.A. 74-32,135 is hereby amended to read as follows: 74-32,135. (a) Except as provided in K.S.A. 74-32,136, and amendments thereto, upon the failure of any person to satisfy the ob-
ligation under any agreement entered into pursuant to this act, such person shall pay to the executive officer an amount equal to the total amount of money received by such person pursuant to such agreement which is financed by the state of Kansas plus accrued interest at a rate which is equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points. Installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents, except that such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the executive officer based upon the circumstances of each individual case. Amounts paid under this section to the executive officer shall be deposited in the advanced practice registered nurse practitioner service scholarship program fund in accordance with K.S.A. 74-32,138, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the advanced practice registered nurse practitioner service scholarship program over to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this section.

Sec. 76. On January 1, 2012, K.S.A. 74-32,136 is hereby amended to read as follows: 74-32,136. (a) An obligation under any agreement entered into under the advanced practice registered nurse practitioner service scholarship program shall be postponed: (1) During any required period of active military service; (2) during any period of service in the peace corps; (3) during any period of service as a part of volunteers in service to America (VISTA); (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2000; (6) during any period of time the person obligated is unable because of temporary medical disability to practice as an advanced practice registered nurse practitioner; (7) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a graduate degree in a field for which such person was awarded a scholarship under this act which degree is higher than that formerly attained; (8) during any period of time the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or (9) during any period of time the state board of regents determines that the person obligated is unable because of special circumstances to practice as an advanced practice registered nurse practitioner. Except for clauses (6), (8) and (9), an obligation under any agreement entered into as provided in the advanced practice registered nurse practitioner service scholarship program
shall not be postponed more than five years from the time the obligation was to have been commenced under any such agreement. An obligation under any agreement as provided in the advanced practice registered nurse practitioner service scholarship program shall be postponed under clause (6) during the period of time the medical disability exists. An obligation to engage in practice as an advanced practice registered nurse practitioner in accordance with an agreement under the advanced practice registered nurse practitioner service scholarship program shall be postponed under clause (8) during the period of time the person obligated remains on FMLA leave.

An obligation to engage in practice as an advanced practice registered nurse practitioner in accordance with an agreement under the advanced practice registered nurse practitioner service scholarship program shall be postponed under clause (9) during the period of time the state board of regents determines that the special circumstances exist. The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to practice as an advanced practice registered nurse practitioner, and shall determine the documentation required to prove the existence of such circumstances.

(b) An obligation under any agreement entered into in accordance with the advanced practice registered nurse practitioner service scholarship program shall be satisfied: (1) If the obligation has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to satisfy the obligation; (4) if the person obligated fails to satisfy the requirements for completion of the educational and training program after making the best effort possible to do so; or (5) if the person obligated is unable to obtain employment as an advanced practice registered nurse practitioner and continue in such employment after making the best effort possible to do so.

Sec. 77. On January 1, 2012, K.S.A. 74-32,137 is hereby amended to read as follows: 74-32,137. The state board of regents, after consultation with the committee, may adopt rules and regulations establishing minimum terms, conditions and obligations which shall be incorporated into the provisions of any agreement under the advanced practice registered nurse practitioner service scholarship program. The terms, conditions and obligations so established shall include, but not be limited to, the terms of eligibility for financial assistance under the advanced practice registered nurse practitioner service scholarship program, the amount of financial assistance to be offered, the length of practice in a rural area or medically underserved area required as a condition to the receipt of such financial assistance to be offered, the amount of money required to be repaid because of failure to satisfy the obligations under an agreement and the
method of repayment and such other additional provisions as may be necessary to carry out the provisions of the advanced practice registered nurse practitioner service scholarship program. The state board of regents, after consultation with the committee, shall adopt rules and regulations establishing criteria for evaluating the financial need of applicants for scholarships and may adopt such other rules and regulations as may be necessary to administer the advanced practice registered nurse practitioner service scholarship program.

Sec. 78. On January 1, 2012, K.S.A. 74-32,138 is hereby amended to read as follows: 74-32,138. There is hereby created in the state treasury the advanced practice registered nurse practitioner service scholarship program fund. The executive officer shall remit all moneys received under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the advanced practice registered nurse practitioner service scholarship program fund. All expenditures from the advanced practice registered nurse practitioner service scholarship program fund shall be for scholarships awarded under this act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

Sec. 79. K.S.A. 2010 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a) All licenses issued under the provisions of this act, whether initial or renewal, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the expiration date of such person’s license. Every person so licensed who desires to renew such license shall file with the board, on or before the date of expiration of such license, a renewal application together with the prescribed biennial renewal fee. Every licensee who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with the renewal application. An inactive license may be requested along with payment of a fee which shall be fixed by rules and regulations of the board. Except for the first renewal for a license that expires within 30 months following licensure examination or for renewal of a license that expires within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing nursing education. Continuing nursing education means learning experiences intended to build upon the educational and experiential
bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public. Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing nursing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116 and amendments thereto in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

(b) Any person who fails to secure a renewal license within the time specified herein may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. A reinstatement application for licensure will be held awaiting completion of such documentation as may be required, but such application shall not be held for a period of time in excess of that specified in rules and regulations.

(c) Any person whose license as a registered professional nurse has lapsed for a period of more than 13 years beyond its expiration date and who has been employed for at least 10 of the last 13 years in an allied health profession which employment required substantially comparable patient care to that of care provided by a registered professional nurse may apply for reinstatement as a registered professional nurse and shall not be required to complete a refresher course as established by the board, but shall be reinstated as a registered professional nurse by the board upon application to the board for reinstatement of such license on a form provided by the board, upon presentation to the board of an affidavit from such person detailing such person’s work history, upon determination by the board that the work history with regard to patient care is substantially comparable to patient care provided by a registered professional nurse, upon determination by the board that such person is otherwise qualified to be licensed as a registered professional nurse and upon paying to the board the reinstatement fee established by the board. This subsection shall expire on January 1, 2012.

(d) (1) Each licensee shall notify the board in writing of (A) a change in name or address within 30 days of the change or (B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.

(2) As used in this subsection, “conviction” means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also, for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a con-
Sec. 80. On July 1, 2011, K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of members to be appointed as follows:

1. Nine Eleven members shall be appointed by the governor. Of such members:
   - One Three shall be a member of the Kansas medical society physicians who are actively involved in emergency medical services;
   - Two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;
   - One shall be an instructor-coordinator;
   - One shall be a hospital administrator actively involved in emergency medical services;
   - One shall be a member of a firefighting unit which provides emergency medical service; and
   - Three shall be attendants who are actively involved in emergency medical service. At least two classifications of attendants shall be represented. At least one of such members shall be from a volunteer emergency medical service; and

2. Four members shall be appointed as follows:
   - One shall be a member of the Kansas senate to be appointed by the president of the senate;
   - One shall be a member of the Kansas senate to be appointed by the minority leader of the senate;
   - One shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and
   - One shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.

All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor may remove any member of the board upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position which qualified such person to be appointed as a member of the board.

(c) Of the members first appointed to the board, four shall be appointed for terms of one year, three for terms of two years, three for terms of three years, and three for terms of four years. Of the two additional physician
members appointed by the governor on and after July 1, 2011, one shall be appointed for a term of three years and one shall be appointed for a term of four years. Thereafter, members shall be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.

(d) The board shall meet at least six times annually and at least once each quarter and at the call of the chairperson or at the request of the administrator of the emergency medical services board or of any six members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board.

Sec. 81. On July 1, 2011, K.S.A. 65-6110 is hereby amended to read as follows: 65-6110. (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include: (1) A classification of the different types of ambulance services; (2) requirements as to equipment necessary for ambulances and rescue vehicles; (3) qualifications and training of attendants, instructor-coordinators and training officers; (4) requirements and fees for the licensure, temporary licensure, and renewal of licensure for ambulances and rescue vehicles; (5) records and equipment to be maintained by operators, instructor-coordinators, training officers, providers of training and attendants; and (6) requirements for a quality assurance and improvement program for ambulance services; and (7) such other matters as the board deems necessary to implement and administer the provisions of this act.

(b) The provisions of this act shall not apply to rescue vehicles operated by a fire department.

(c) Nothing in this act or in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall authorize the board to specify the individuals who may or may not ride on a helicopter while used as an ambulance.

Sec. 82. On July 1, 2011, K.S.A. 2010 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:
(a) “Administrator” means the executive director of the emergency medical services board.

(b) “Advanced emergency medical technician” means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) “Advanced registered nurse practitioner” means an advanced registered nurse practitioner as defined in K.S.A. 65-1113, and amendments thereto.

(d) “Ambulance” means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) “Ambulance service” means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) “Attendant” means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to this act.

(g) “Board” means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(h) “Emergency medical service” means the effective and coordinated delivery of such care as may be required by an emergency which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced registered nurse practitioner, professional nurse, a licensed physician assistant or attendant.

(i) “Emergency medical technician” means a person who holds an emergency medical technician certificate issued pursuant to this act.

(j) “Emergency medical technician-defibrillator” means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.

(k) “Emergency medical technician-intermediate” means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.

(l) “Emergency medical technician-intermediate/defibrillator” means a person who holds both an emergency medical technician-intermediate and emergency medical technician defibrillator certificate issued pursuant to this act.

(m) “Emergency medical responder” means a person who holds an emergency medical responder certificate issued pursuant to this act.
(n) “First responder” means a person who holds a first responder certificate issued pursuant to this act.
(o) “Hospital” means a hospital as defined by K.S.A. 65-425, and amendments thereto.
(p) “Instructor-coordinator” means a person who is certified under this act to teach initial courses of certification and continuing education classes.
(q) “Medical adviser director” means a physician.
(r) “Medical protocols” mean written guidelines which authorize attendants to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced registered nurse practitioner authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.
(s) “Mobile intensive care technician” means a person who holds a mobile intensive care technician certificate issued pursuant to this act.
(t) “Municipality” means any city, county, township, fire district or ambulance service district.
(u) “Nonemergency transportation” means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.
(v) “Operator” means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.
(w) “Paramedic” means a person who holds a paramedic certificate issued pursuant to this act.
(x) “Person” means an individual, a partnership, an association, a joint-stock company or a corporation.
(y) “Physician” means a person licensed by the state board of healing arts to practice medicine and surgery.
(z) “Physician assistant” means a person who is licensed under the physician assistant licensure act and who is acting under the direction of a responsible physician.
(aa) “Professional nurse” means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.
(bb) “Provider of training” means a corporation, partnership, accredited postsecondary education institution, ambulance service, fire department, hospital or municipality that conducts training programs that include, but are not limited to, initial courses of instruction and continuing education for attendants, instructor-coordinators or training officers.
(cc) ‘‘Responsible physician’’ means responsible physician as such term is defined under K.S.A. 65-28a02, and amendments thereto.

(dd) ‘‘Training officer’’ means a person who is certified pursuant to this act to teach, coordinate or both, initial courses of instruction for first responders or emergency medical responders and continuing education as prescribed by the board.

Sec. 83. On July 1, 2011, K.S.A. 2010 Supp. 65-6120 is hereby amended to read as follows: 65-6120. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto:

(2) When approved by medical protocols and or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;

(3) Perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or

(4) Perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-intermediate once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(c) ‘‘Renewal’’ as used in subsection (b), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate has to apply for renewal of a certificate following the effective date of this act.

(d) Emergency medical technician-intermediates who fail to meet the transition requirements as specified will be required, at a minimum, to gain
the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. May complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(e) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(e) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:

1. Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and
2. Perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician upon order of such a person: (A) Continuous positive airway pressure devices; (B) advanced airway management; (C) referral of patient of alternate medical care site based on assessment; (D) transportation of a patient with a capped arterial line; (E) veni-puncture for obtaining blood sample; (F) initiation and maintenance of intravenous infusion or saline lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I) manual defibrillation and cardioversion; (J) cardiac monitoring; (K) medication administration via electrocardiogram interpretation; (L) administration of generic or trade name medications by one or more of the following methods: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v)
(g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(h) “Renewal” as used in subsection (g), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate following the effective date of this act.

(i) Emergency medical technician-intermediate and emergency medical technician-defibrillator who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(j) Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.
Sec. 84. On July 1, 2011, K.S.A. 2010 Supp. 65-6121 is hereby amended to read as follows: 65-6121. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any of the following activities:

1. Patient assessment and vital signs;
2. Airway maintenance including the use of:
   A. Oropharyngeal and nasopharyngeal airways;
   B. Esophageal obturator airways with or without gastric suction device;
   C. Multi-lumen airway; and
   D. Oxygen demand valves.
3. Oxygen therapy;
4. Oropharyngeal suctioning;
5. Cardiopulmonary resuscitation procedures;
6. Control accessible bleeding;
7. Apply pneumatic anti-shock garment;
8. Manage outpatient medical emergencies;
9. Extricate patients and utilize lifting and moving techniques;
10. Manage musculoskeletal and soft tissue injuries including dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains;
11. Use of backboards to immobilize the spine;
12. Administer activated charcoal and glucose;
13. Monitor peripheral intravenous line delivering intravenous fluids during interfacility transport with the following restrictions:
   A. The physician approves the transfer by an emergency medical technician;
   B. No medications or nutrients have been added to the intravenous fluids; and
   C. The emergency medical technician may monitor, maintain and shut off the flow of intravenous fluid;
14. Use automated external defibrillators;
15. Administer epinephrine auto-injectors provided that:
   A. The emergency medical technician successfully completes a course of instruction approved by the board in the administration of epinephrine; and
   B. The emergency medical technician serves with an ambulance service or a first response organization that provides emergency medical services; and
   C. The emergency medical technician is acting pursuant to medical protocols;
16. Perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols; or
17. When authorized by medical protocol, assist the patient in the ad-
ministration of the following medications which have been prescribed for that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers for asthma and emphysema.

(b) An individual who holds a valid certificate as an emergency medical technician at the current basic level once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an emergency medical technician under this act.

(c) “Renewal” as used in subsection (b), refers to the first opportunity after December 31, 2011, that an emergency medical technician has to apply for renewal of a certificate following the effective date of this act.

(d) Emergency medical technicians who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical responder as defined by rules and regulations of the board. Failure to do so will result in loss of certification. Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144, and amendments thereto, and any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:
(1) Airway maintenance including use of:
  (A) Single lumen airways as approved by the board;
  (B) multilumen airways;
  (C) ventilator devices;
  (D) forceps removal of airway obstruction;
  (E) CO2 monitoring;
  (F) airway suctioning;
  
(2) apply pneumatic anti-shock garment;

(3) assist with childbirth;

(4) monitoring urinary catheter;

(5) capillary blood sampling;

(6) cardiac monitoring;

(7) administration of patient assisted medications as approved by the board;

(8) administration of medications as approved by the board by appropriate routes; and

(9) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician.

Sec. 85. On July 1, 2011, K.S.A. 2010 Supp. 65-6123 is hereby amended to read as follows: 65-6123. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-defibrillator may:

(1) Perform any of the activities identified in K.S.A. 65-6121, and amendments thereto;

(2) when approved by medical protocols and or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform electrocardiographic monitoring and defibrillation;

(3) perform, during an emergency, those activities specified in subsection (b) before contacting the persons identified in subsection (b) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-defibrillator once successfully completing an emergency medical technician-intermediate, initial course of instruction and the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this
act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(c) “Renewal” as used in subsection (b), refers to the second opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate following the effective date of this act.

(d) EMT-D Emergency medical technician-defibrillator attendants who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-defibrillator may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(e) Failure to complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or an emergency medical responder transition course will result in loss of certification.

Sec. 86. On July 1, 2011, K.S.A. 2010 Supp. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced registered nurse practitioner or licensed professional nurse, who gives emergency instructions to an attendant as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.

(b) No attendant as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the responsible physician for a physician assistant, advanced registered nurse practitioner or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages which may result from gross negligence
or by willful or wanton acts or omissions on the part of such attendant as defined by K.S.A. 65-6112, and amendments thereto.

(c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator’s or training officer’s course of instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator or training officer.

(d) No medical adviser director who reviews, approves and monitors the activities of attendants shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring.

Sec. 87. On July 1, 2011, K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical adviser director appointed by the operator of the service to review, and implement medical protocols, approve and monitor the activities and education of the attendants. The board may approve an alternative procedure for medical oversight if no medical adviser director is available.

Sec. 88. On July 1, 2011, K.S.A. 2010 Supp. 65-6129 is hereby amended to read as follows: 65-6129. (a) Application for an attendant’s certificate shall be made to the board. The board shall not grant an attendant’s certificate unless the applicant meets the following requirements:

(1) (A) Has successfully completed coursework required by the rules and regulations adopted by the board; or
(B) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; and
(2) (A) has passed the examination required by the rules and regulations adopted by the board; or
(B) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; and
(3) has paid an application fee required by the rules and regulations adopted by the board.

(b) (1) The board shall not grant a temporary attendant’s certificate unless the applicant meets the following requirements:

(A) If the applicant is certified or licensed as an attendant in another jurisdiction, but the applicant’s coursework is determined not to be substantially equivalent to that required by the board, such temporary certificate shall be valid for one year from the date of issuance or until the applicant has completed the required coursework, whichever occurs first; or
(B) if the applicant has completed the required coursework, has taken the required examination, but has not received the results of the examination, such temporary certificate shall be valid for 120 days from the date of the examination.
An applicant who has been granted a temporary certificate shall be under the direct supervision of a physician, a physician’s assistant, a professional nurse or an attendant holding a certificate at the same level or higher than that of the applicant.

The board shall not grant an initial emergency medical technician-intermediate certificate, advanced emergency medical technician certificate, mobile intensive care technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.

An attendant’s certificate shall expire on the date prescribed by the board. An attendant’s certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the attendant has successfully completed continuing education as prescribed by the board.

All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

If a person who was previously certified as an attendant applies for an attendant’s certificate after the certificate’s expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.

The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 89. On July 1, 2011, K.S.A. 65-6132 is hereby amended to read as follows: 65-6132. (a) An operator’s permit may be denied, revoked, limited, modified or suspended by the board upon proof that such operator or any agent or employee thereof:

1. Has been guilty of misrepresentation in obtaining the permit or in the operation of the ambulance service;
2. Has engaged or attempted to engage in, or represented themselves as entitled to perform, any ambulance service not authorized in the permit;
3. Has demonstrated incompetence as defined by rules and regulations adopted by the board or has shown themselves otherwise unable to provide adequate ambulance service;
4. Has failed to keep and maintain the records required by the provi-
sions of this act, or the rules and regulations promulgated thereunder adopted by the board, or has failed to make reports when and as required; or
(5) has knowingly operated faulty or unsafe equipment; or
(6) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated thereunder adopted by the board; or
(7) has engaged in unprofessional conduct as defined by rules and regulations adopted by the board.

(b) The board shall not limit, modify, revoke or suspend any operator’s permit pursuant to this section without first conducting a hearing in accordance with the provisions of the administrative procedure act.

Sec. 90. On July 1, 2011, K.S.A. 65-6133 is hereby amended to read as follows: 65-6133. (a) An attendant’s, instructor-coordinator’s or training officer’s certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual:
(1) Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;
(2) has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;
(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has provided inadequate patient care as determined by the board;
(4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated thereunder adopted by the board;
(5) has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;
(6) has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition; or
(7) has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board; or
(8) has had a certificate, license or permit to practice emergency medical services as an attendant denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the li-
censing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such a fact for purposes of this paragraph.

(b) The board may limit, modify, revoke or suspend an attendant’s or instructor-coordinator’s certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

Sec. 91. On July 1, 2011, K.S.A. 2010 Supp. 65-6144 is hereby amended to read as follows: 65-6144. (a) A first responder may perform any of the following activities:

1. Initial scene management including, but not limited to, gaining access to the individual in need of emergency care, extricating, lifting and moving the individual;
2. Cardiopulmonary resuscitation and airway management;
3. Control of bleeding;
4. Extremity splinting excluding traction splinting;
5. Stabilization of the condition of the individual in need of emergency care;
6. Oxygen therapy;
7. Use of oropharyngeal airways;
8. Use of bag valve masks;
9. Use automated external defibrillators; and
10. Other techniques of preliminary care a first responder is trained to provide as approved by the board.

(b) An individual who holds a valid certificate as a first responder, once completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an emergency medical responder. Alternatively, upon application for renewal of such certificate, such individual shall be deemed to hold a certificate as an emergency medical responder under this act, provided such individual has completed all continuing education hour requirements inclusive of a transition course and such individual shall not be required to file an original application for certification as an emergency medical responder under this act.

(c) “Renewal” as used in subsection (b), refers to the first opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate following the effective date of this act.

(d) First responder attendants who fail to meet the transition requirements as specified will forfeit their certification.

(e) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of
instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person: (1) Emergency vehicle operations; (2) initial scene management; (3) patient assessment and stabilization; (4) cardiopulmonary resuscitation and airway management; (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization; (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of automated external defibrillator; (11) nebulizer therapy; (12) intramuscular injections with auto-injector; (13) administration of oral glucose; (14) administration of aspirin; (15) recognize and comply with advanced directives; (16) insertion and maintenance of oral and nasal pharyngeal airways; (17) use of blood glucose monitoring; and (18) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.

Sec. 92. K.S.A. 65-1424 is hereby amended to read as follows: 65-1424. (a) The term ‘‘proprietor’’ as used in this act includes any person who employs dentists or dental hygienists in the operation of a dental office. (b) ‘‘Dental franchisor’’ means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation. A person or entity is not a dental franchisor if the agreement with the dentist:

(A) Permits the person or entity to interfere with the professional judgment of the dentist; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

(b) places in possession of a dentist or dental hygienists or other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or

(c) retains the ownership or control of dental equipment or material or office and makes the same available in any manner for the use by dentists or dental hygienists or other agents except that nothing in this subsection shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement.
(3) "Unlicensed proprietor" means any person or entity not authorized to own or operate a dental practice that enters into an agreement with a dentist or dental hygienist related to the practice of dentistry or dental hygiene which:

(A) Permits the person or entity to interfere with the professional judgment of the dentist; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

A licensee of dentistry who enters into any of the above described arrangements with an unlicensed proprietor may have such license limited, suspended or revoked by the board.

(b) The estate or agent for a deceased or substantially disabled dentist may employ dentists, for a period of not more than one year, to provide service to patients until the practice can be sold.

Sec. 93. K.S.A. 65-1425 is hereby amended to read as follows: 65-1425. Except as provided in K.S.A. 17-2706 et seq., and amendments thereto, no corporation shall practice, offer, or undertake to practice or hold itself out as practicing dentistry. Every person practicing dentistry as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice is conducted. Nothing in this section shall prohibit a licensed dentist from practicing dentistry as the agent or employee of another licensed dentist in this state, or from practicing dentistry as the agent or employee of any state hospital or state institution where such dentist's only remuneration is from the state, or from any corporation which provides dental service for its employees at no profit to the corporation. Nothing in this section shall prohibit a licensed dentist from practicing dentistry as an employee of a general hospital defined in K.S.A. 65-425, and amendments thereto, in a county with population of less than 50,000.

Sec. 94. K.S.A. 2010 Supp. 65-1435 is hereby amended to read as follows: 65-1435. (a) Except as otherwise provided in this section, it shall be unlawful for any person or persons to practice or offer to practice dentistry under any name except such person's own name, which shall be the name used on the license granted to such person as a dentist as provided in the dental practices act.

(b) A licensed dentist may use the name of any association, corporation, clinic, trade name or business name in connection with the practice of dentistry, as defined in the dental practices act, except that such name may not misrepresent the dentist to the public as determined by the Kansas dental board.

(c) Nothing herein contained shall be construed to prevent two or more licensed dentists:
(1) From associating together for the practice of dentistry, each in such person’s own proper name; or

(2) from associating together for the practice of dentistry, each as owners, in a professional corporation, organized pursuant to the professional corporation law of Kansas, or, each as owners, in a limited liability company organized pursuant to the Kansas revised limited liability company act, and using a name that may or may not contain the proper name of any such person or persons except that such name may not misrepresent the dentist to the public if such name has been approved by the board and from employing nonowning licensees; or

(3) from associating together with persons licensed to practice medicine and surgery in a clinic or professional association under a name that may or may not contain the proper name of any such person or persons and may contain the word ‘‘clinic.’’

(d) It shall be unlawful, and a licensee may have a license suspended or revoked, for any licensee to conduct a dental office in the name of the licensee, or to advertise the licensee’s name in connection with any dental office or offices, or to associate together for the practice of dentistry with other licensed dentists in a professional corporation or limited liability company, under a name that may or may not contain the proper name of any such person or persons or to associate together with persons licensed to practice medicine and surgery in a clinic or professional association under a name that may or may not contain the proper name of any such person or persons and may contain the word ‘‘clinic,’’ unless such licensee is personally present in the office operating as a dentist or personally overseeing such operations as are performed in the office or each of the offices during a majority of the time the office or each of the offices is being operated.

(e) Nothing in this section shall be construed to permit the franchise practice of dentistry.

(f) The violation of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation of a license.

(g) Notwithstanding the provisions of subsection (d) and (e), a licensee shall be permitted to own two dental offices in addition to the licensee’s primary office location under the following conditions:

(1) The licensee’s secondary dental office is located within a 125 mile radius of the licensee’s primary office; and

(2) the licensee’s secondary dental office is located in a county with a population of less than 10,000 according to the 2000 United States census.

Sec. 95. K.S.A. 2010 Supp. 65-1436 is hereby amended to read as follows: 65-1436. (a) The Kansas dental board may refuse to issue the license under the dental practices provided for in this act, or may take any of the actions with respect to any dental or dental hygiene license as set forth in subsection (b), whenever it is established, after notice and oppor-
tunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that any applicant for a dental or dental hygiene license or any licensed dentist or dental hygienist practicing in the state of Kansas has:

1. Committed fraud, deceit or misrepresentation in obtaining any license, money or other thing of value;
2. Habitually used intoxicants or drugs which have rendered such person unfit for the practice of dentistry or dental hygiene;
3. Been determined by the board to be professionally incompetent;
4. Committed gross, wanton or willful negligence in the practice of dentistry or dental hygiene;
5. Employed, allowed or permitted any unlicensed person or persons to perform any work in the licensee’s office which constitutes the practice of dentistry or dental hygiene under the provisions of the dental practices act;
6. Willfully violated the laws of this state relating to the practice of dentistry or dental hygiene or the rules and regulations of the secretary of health and environment or of the board regarding sanitation;
7. Engaged in the division of fees, or agreed to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or the patient’s legal representative, except:
   A. The division of fees between dentists practicing in a partnership and sharing professional fees;
   B. The division of fees between one licensed dentist employing another;
   C. The division of fees between a licensed dentist and a proprietor as defined in K.S.A. 65-1424, and amendments thereto.
8. Committed complicity in association with or allowed the use of the licensed dentist’s name in conjunction with any person who is engaged in the illegal practice of dentistry;
9. Been convicted of a felony or a misdemeanor involving moral turpitude in any jurisdiction and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;
10. Prescribed, dispensed, administered or distributed a prescription drug or substance, including a controlled substance, in an excessive, improper or inappropriate manner or quantity outside the scope of practice of dentistry or in a manner that impairs the health and safety of an individual;
11. Prescribed, purchased, administered, sold or given away prescription drugs, including a controlled substance, for other than legal and legitimate purposes;
12. Violated or been convicted of any federal or state law regulating possession, distribution or use of any controlled substance;
13. Failed to pay license fees;
14. Used the name “clinic,” “institute” or other title that may suggest
a public or semipublic activity except that the name "clinic" may be used as authorized in K.S.A. 65-1435, and amendments thereto;

(15) committed, after becoming a licensee, any conduct which is detrimental to the public health, safety or welfare as defined by rules and regulations of the board;

(16) engaged in a misleading, deceptive, untrue or fraudulent misrepresentation in the practice of dentistry or on any document connected with the practice of dentistry by knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement, including the systematic waiver of patient co-payment or co-insurance;

(17) failed to keep adequate records;

(18) the licensee has had a license to practice dentistry revoked, suspended or limited, has been censured or has had other disciplinary action taken, has had an application for license denied, or voluntarily surrendered the license after formal proceedings have been commenced by the proper licensing authority or another state, territory or the District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;

(19) failed to furnish the board, or its investigators or representatives any information legally requested by the board; or

(20) assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas K.S.A. 21-3406, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas K.S.A. 21-3406, and amendments thereto;

(B) a copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto;

(C) a copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(b) Whenever it is established, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a licensee is in any of the circumstances or has committed any of the acts described in subsection (a), the Kansas dental board may take one or any combination of the following actions with respect to the license of the licensee:

(1) Revoke the license;

(2) suspend the license for such period of time as may be determined by the board;

(3) restrict the right of the licensee to practice by imposing limitations upon dental or dental hygiene procedures which may be performed, categories of dental disease which may be treated or types of patients which
may be treated by the dentist or dental hygienist. Such restrictions shall continue for such period of time as may be determined by the board, and the board may require the licensee to provide additional evidence at hearing before lifting such restrictions; or

(4) grant a period of probation during which the imposition of one or more of the actions described in subsections (b)(1) through (b)(3) will be stayed subject to such conditions as may be imposed by the board including a requirement that the dentist or dental hygienist refrain from any course of conduct which may result in further violation of the dental practice act or the dentist or dental hygienist complete additional or remedial instruction. The violation of any provision of the dental practice act or failure to meet any condition imposed by the board as set forth in the order of the board will result in immediate termination of the period of probation and imposition of such other action as has been taken by the board.

(c) As used in this section, ‘‘professionally incompetent’’ means:

(1) One or more instances involving failure to adhere to the applicable standard of dental or dental hygienist care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of dental or dental hygienist care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of dental or dental hygienist practice or other behavior which demonstrates a manifest incapacity or incompetence to practice dentistry.

(d) In addition to or in lieu of one or more of the actions described in subsections (b)(1) through (b)(4) or in subsection (c) of K.S.A. 65-1444, and amendments thereto, the board may assess a fine not in excess of $10,000 against a licensee. All fines collected pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and of the amount so remitted, an amount equal to the board’s actual costs related to fine assessment and enforcement under this subsection, as certified by the president of the board to the state treasurer, shall be credited to the dental board fee fund and the balance shall be credited to the state general fund.

(e) The board, upon its own motion or upon the request of any licensee who is a party to a licensure action, may require a physical or mental examination, or both, of such licensee either prior to a hearing to be held as a part of a licensure action or prior to the termination of any period of suspension or the termination of any restrictions imposed upon the licensee as provided in subsection (b).

New Sec. 96. (a) Any person who is not licensed as a dentist under the dental practices act, or any entity that is not a professional corporation
or limited liability company composed of dentists which enter into an agreement with a dentist to provide dental office administrative services shall register with the Kansas dental board.

(b) (1) The registration shall include the company name, contact information and responsible person of such person or entity along with the address and licensed dentist practice owner names for which administrative services are being provided.

(2) Any person or entity registered under this section shall provide updated information to the Kansas dental board within 30 days of any changes to the information provided in paragraph (1). Any person or entity required to register pursuant to this section shall have 30 days from the execution of any contract or agreement with a dentist or professional corporation or limited liability company to complete the registration.

(c) Any such person or entity required to register pursuant to this section operating under a contract or agreement executed prior to the effective date of this section shall be subject to the provisions of this section and shall have 30 days from the effective date of this section to complete the registration. A copy of all contracts or agreements providing for dental office administrative services shall be maintained by the registered dental office administrative services company and shall be subject to inspection during regular business hours at any time by the Kansas dental board.

New Sec. 97. (a) As used in this section, “licensed dentist” means a dentist licensed under the dental practices act.

(b) No person who is a licensed dentist or any entity that is not a professional corporation or limited liability company owned by a licensed dentist shall enter into or continue to maintain a contract or agreement with a licensed dentist in which such contract or agreement allows or provides for the following functions to be controlled by any person or entity other than a licensed dentist pursuant to this section:

(1) Providing dental treatment to patients;
(2) the decision to accept individual patients for treatment;
(3) the direction or delegation of all professional dental services;
(4) the ownership of dental charts or patient records;
(5) except as provided in subsection (d), the ownership of dental equipment or dental materials; and
(6) the supervision of clinical dental staff.

(c) It shall not be a violation of this section for a person or entity to act on behalf of a licensed dentist to perform or arrange for others to perform office administrative services including, but not limited to:

(1) Purchasing, billing or tax preparation;
(2) compliance or quality assurance programs;
(3) legal advice or representation; and
(4) payroll, advertising, training, recruiting, recordkeeping, programming or other similar functions under the direction or with the consent or
approval of a licensed dentist or professional corporation or limited liability company owned by a licensed dentist.

(d) Nothing in this section shall prohibit a licensed dentist, professional corporation or limited liability company owned by a licensed dentist from entering into real estate lease, equipment lease or lease purchase agreement or bona fide sale of dental equipment or material secured by a chattel mortgage or retain title agreements with equipment manufacturers, landlords, lending institutions, leasing companies, dental franchisors or persons or entities providing dental office administrative services or similar commercial financing transactions.

(e) No contract or provision in any such agreement shall require either party to indemnify the other party for negligence, intentional acts or omissions that constitute a violation of K.S.A. 65-1422 et seq., and amendments thereto.

Sec. 98. K.S.A. 2010 Supp. 21-4010 is hereby amended to read as follows: 21-4010. (a) No person shall smoke in an enclosed area or at a public meeting including, but not limited to:

(1) Public places;
(2) taxicabs and limousines;
(3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
(4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
(5) access points of all buildings and facilities not exempted pursuant to subsection (d); and
(6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 21-4011 or 21-4012, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:
(1) The outdoor areas of any building or facility beyond the access points of such building or facility;
(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;
(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;
(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;
(5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;
(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;
(7) tobacco shops;
(8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and
(9) a private club in designated areas where minors are prohibited; and
(10) any benefit cigar dinner or other cigar dinner of a substantially similar nature that:
   (A) is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;
   (B) is conducted no more than once per calendar year by such organization; and
   (C) has been held during each of the previous three years prior to January 1, 2011.


tion 2, section 3, section 4, section 7, section 8, section 9 and section 10 of chapter 45 of the 2010 Session Laws of Kansas are hereby repealed.


Sec. 102. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 25, 2011.
Published in the Kansas Register June 9, 2011.

CHAPTER 115
SENATE BILL No. 193

AN ACT concerning taxation; relating to food sales tax refunds, information required in support of claim; income tax returns and credits, social security numbers; recording of plats, payment of taxes and assessments; promoting employment across Kansas act, qualifications for benefits; high performance incentive program; sales tax exemptions; amending K.S.A. 79-32,111a and 79-3637 and K.S.A. 2010 Supp. 19-1207, 58-3115, 58-3707, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 79-32,160a, 79-3221 and 79-3606 and repealing the existing sections.

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

New Section 1. Except as otherwise provided, no credit provided under the Kansas income tax act, and amendments thereto, shall be allowed any individual who fails to provide a valid social security number issued to such individual, the individual’s spouse and dependents of the individual for purposes of section 205 (c)(2)(A) of the social security act on such individual’s Kansas income tax return as the identifying number for such individual for tax purposes. The provisions of this section shall not apply to the credit provided by K.S.A. 79-32,111, and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 79-3221 is hereby amended to read as follows: 79-3221. (a) All returns required by this act shall be made as nearly as practical in the same form as the corresponding form of income tax return by the United States. Unless another identifying number has been assigned to an individual by the internal revenue service for purposes of filing such
individual’s federal income tax return, the social security number issued to an individual, the individual’s spouse, and all dependents of such individual for purposes of section 205 (c)(2)(A) of the social security act shall be used as the identifying number and included on the return when filing such return.

(b) All returns shall be filed in the office of the director of taxation on or before the 15th day of the fourth month following the close of the taxable year, except as provided in subsection (c) hereof. Tentative returns may be filed before the close of the taxable year and the estimated tax computed on such return, paid, but no interest will be paid on any overpayment of tax liability, computed on such tentative return.

(c) The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the secretary of revenue. Whenever any such extension of time to file is requested by a taxpayer and granted by the director with respect to any tax year commencing after December 31, 1992, no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the liability is paid on or before the original due date.

(d) In the case of an individual serving in the armed forces of the United States, or serving in support of such armed forces, in an area designated by the president of the United States by executive order as a ‘‘combat zone’’ as defined under 26 U.S.C. § 112 at any time during the period designated by the president by executive order as the period of combatant activities in such zone for the purposes of such section, or hospitalized as a result of injury received or sickness incurred while serving in such an area during such time, the period of service in such area, plus the period of continuous qualified hospitalization attributable to such injury or sickness, and the next 180 days thereafter, shall be disregarded in determining, under article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, in respect of to any tax liability, including any interest, penalty, additional amount, or addition to the tax, of such individual:

(1) Whether any of the following acts was performed within the time prescribed therefor: (A) Filing any return of income tax; (B) payment of any income tax or installment thereof; (C) filing a notice of appeal with the director of taxation or the state court of tax appeals for redetermination of a deficiency or for a review of a decision rendered by either the director or the state court of tax appeals; (D) allowance of a credit or refund of any income tax; (E) filing a claim for credit or refund of any income tax; (F) bringing suit upon any such claim for credit or refund; (G) assessment of any income tax; (H) giving or making any notice or demand for the payment of any income tax, or with respect to any liability to the state of Kansas in respect of any income tax; (I) collection, by the director of taxation or the director’s agent, by warrant, levy or otherwise, of the amount of any liability in respect to any income tax; (J) bringing suit by the state of Kansas, or any officer on its behalf, in respect to any liability in respect of
any income tax; and (K) any other act required or permitted under the Kansas income tax act specified in rules and regulations adopted by the secretary of revenue under this section;

(2) The amount of any credit or refund.

(e) (1) Subsection (d) shall not apply for purposes of determining the amount of interest on any overpayment of tax.

(2) If an individual is entitled to the benefits of subsection (d) with respect to any return and such return is timely filed, (determined after the application of such subsection) subsection (d), subsections (e)(5) and (e)(7) of K.S.A. 79-32,105, and amendments thereto, shall not apply.

(f) The provisions of subsection (d) and the subsequent subsections of this section subsections (d) through (j) shall apply to the spouse of any individual entitled to the benefits of subsection (d). Except in the case of the combat zone designated for purposes of the Vietnam conflict, the preceding sentence this subsection shall not cause subsection (d) and the subsequent subsections of this section subsections (d) through (j) to apply for any spouse for any taxable year beginning more than two years after the date designated under 26 U.S.C. § 112, and amendments thereto, as the date of termination of combattant activities in a combat zone.

(g) The period of service in the area referred to in subsection (d) shall include the period during which an individual entitled to benefits under subsection (d) is in a missing status, within the meaning of 26 U.S.C. § 6013(f)(3).

(h) (1) Notwithstanding the provisions of subsection (d), any action or proceeding authorized by K.S.A. 79-3229, and amendments thereto, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any other case in which the secretary determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (d) shall not operate to stay collection of such amount by levy or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this subsection the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (d).

In any case to which this paragraph subsections relates, if the secretary is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the secretary is in an area for which United States post offices under instructions of the postmaster general are not, by reason of the combatant activities, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) The assessment or collection of any tax under the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, amendments thereto, or any action or proceeding by or on behalf of the state in connec-
tion therewith, may be made, taken, begun or prosecuted in accordance with law, without regard to the provisions of subsection (d), unless prior to such assessment, collection, action or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (d).

(i) (1) Any individual who performed Desert Shield services, and the spouse of such individual, shall be entitled to the benefits of subsection (d) and the subsequent subsections of this section subsections (d) through (j) in the same manner as if such services were services referred to in subsection (d).

(2) For purposes of this subsection, the term “Desert Shield services” means any services in the armed forces of the United States or in support of such armed forces if:

(A) Such services are performed in the area designated by the president as the “Persian Gulf Desert Shield area”; and

(B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subparagraph (A) subsection (i)(2)(A) is designated by the president as a combat zone pursuant to 26 U.S.C. § 112.

(j) For purposes of subsection (d), the term “qualified hospitalization” means:

(1) Any hospitalization outside the United States; and

(2) any hospitalization inside the United States, except that not more than five years of hospitalization may be taken into account under this paragraph subsection. This paragraph subsection shall not apply for purposes of applying subsection (d) and the subsequent subsections of this section subsections (d) through (j) with respect to the spouse of an individual entitled to the benefits of subsection (d).

Sec. 3. K.S.A. 79-32,111a is hereby amended to read as follows: 79-32,111a. (a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to 25% of the amount of the credit allowed against such taxpayer’s federal income tax liability pursuant to 26 U.S.C. § 21 for the taxable year in which such credit was claimed against the taxpayer’s federal income tax liability.

(b) The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law.

(c) No credit provided under this section shall be allowed any individual who fails to provide a valid social security number issued by the social security administration, to such individual, the individual’s spouse and every dependent of the individual.

New Sec. 4. (a) No claim for refund under the provisions of K.S.A. 79-3620 and 79-3632 through 79-3639, and amendments thereto, shall be allowed any claimant who fails to provide a valid social security number
issued by the social security administration for the claimant, every household member and every dependent child.

(b) The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 79-3620 and 79-3632 through 79-3639, and amendments thereto.

Sec. 5. K.S.A. 79-3637 is hereby amended to read as follows: 79-3637. Every claimant for the refund of taxes under the provisions of K.S.A. 79-3620 and 79-3632 to 79-3639, and amendments thereto, shall supply to the division in support of a claim, a valid social security number issued by the social security administration for each claimant, every household member and every dependent child, a clear statement as to whether such claimant qualifies for a refund under the provisions of subsection (c)(1), (c)(2) or (c)(3) of K.S.A. 79-3633, and amendments thereto, reasonable proof of age or disability, and household income. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of subsection (f) of K.S.A. 79-3633, and amendments thereto.

Sec. 6. K.S.A. 2010 Supp. 19-1207 is hereby amended to read as follows: 19-1207. (a) The register of deeds also shall keep a well-bound book, in which shall be kept all maps and plats of cities, subdivisions or additions to the same within the county, together with the description, acknowledgment or other writing thereon. The register shall keep an index to such book of plats. Such index shall contain the name or names of the proprietor or proprietors of such cities, subdivisions or addition and the name of the cities, subdivisions or addition. No register of deeds shall be bound to perform any of the duties required to be performed by this act, for which a fee is allowed, unless such fee has been paid or tendered.

(b) The register of deeds shall not record any plat, replat, plat of survey pursuant to the apartment ownership act, K.S.A. 58-3101 et seq., and amendments thereto, or plat of survey pursuant to the townhouse ownership act, K.S.A. 58-3701 et seq., and amendments thereto, unless such document is accompanied by a receipt from the county treasurer for all real estate taxes and assessments on the land legally described in such document for any year past due and unpaid and: (1) Payment of at least the first half of all real estate taxes on such land if such document is presented for recording between December 20 and May 10 of the next year; or (2) payment of all such real estate taxes if such document is presented for recording on and after May 10 but before December 20 of the same year, up to and including the tax year prior to the first tax year affected by the plat recording. If the amount of ad valorem tax to be levied by a taxing subdivision has not been certified to the county treasurer, the county treasurer shall calculate and collect an aggregate amount which shall be deposited with the county treasurer in the manner described in subsection (d).

(c) The record of plats and indexes required by this section may be kept
in the manner provided by K.S.A. 19-1204, and amendments thereto or as otherwise authorized by statute.

(d) For the purposes of subsection (b), the aggregate amount collected shall include the amount of the assessment to be certified by the clerk and a sum equal to the product of the assessed value directly related to the county appraiser’s latest certified valuation conducted pursuant to K.S.A. 79-1466, and amendments thereto, on the property multiplied by the current year’s tax levy rate. After the tax roll has been certified to the county treasurer, the treasurer shall then allocate so much of the sum collected as will pay the taxes and assessments on the property. In the case in which the sum collected is in excess of the amount necessary for the payment of the taxes and assessments, the treasurer shall return the amount of excess to the depositing party. In the case in which the sum collected is insufficient to pay the taxes and assessments, the treasurer shall credit the sum so collected ratably to the funds for which such taxes and assessments were levied and notify the owner of record of the balance due and unpaid. The unpaid portion shall become due in full on or before December 20 and any amount still remaining due and unpaid after that date shall accrue interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto.

Sec. 7. K.S.A. 2010 Supp. 58-3115 is hereby amended to read as follows: 58-3115. (a) The declaration, any amendment or amendments thereof, any instrument by which the provisions of this act may be waived, and every instrument affecting the property or any apartment or condominium unit shall be entitled to be recorded. Neither the declaration nor any amendment thereof shall be valid unless duly recorded.

(b) In addition to records and indexes required to be maintained by the recording officer, the recording officer shall maintain an index or indexes whereby the record of each declaration contains a reference to the record of each conveyance of an apartment or condominium unit affected by such declaration, and the record of each conveyance of an apartment or condominium unit contains a reference to the declaration of the property of which it is a part.

(c) There shall be recorded simultaneously with the declaration one or more plats of survey showing the legal description, the location and dimensions of the submitted land, any convertible lands within the submitted land and any additional land if the condominium is an expandable condominium. The plat of survey shall further show the location and dimensions of all existing condominium units and common areas and facility improvements of the submitted land. When converting all or any portion of any convertible land or adding additional land to an expandable condominium, the declarant shall record amended plats of survey which shall show the location and dimensions of all existing condominium units and common area and facility improvements upon the convertible or additional land.

(d) The register of deeds shall not record any plat of survey pursuant
to this act unless such plat of survey is accompanied by a receipt from the county treasurer for real estate taxes and assessments on the submitted land in accordance with K.S.A. 19-1207(b), and amendments thereto.

Sec. 8. K.S.A. 2010 Supp. 58-3707 is hereby amended to read as follows: 58-3707. (a) There shall be recorded simultaneously with the declaration, at the office of the register of deeds, one or more plats of survey showing the legal description, the location and dimensions of the submitted land, the location and description of any land which may be added to the townhouse project if such right is set forth in the declaration, and the location and dimensions of each townhouse unit and all common area improvements.

(b) The register of deeds shall not record any plat of survey pursuant to this act unless such plat of survey is accompanied by a receipt from the county treasurer for real estate taxes and assessments on the submitted land in accordance with K.S.A. 19-1207(b), and amendments thereto.


(b) It shall be the intent of this act to foster economic development and the creation of new jobs and opportunities for the citizens of Kansas and to incentivize the location of business facilities, other operations and jobs in Kansas. The primary objective of this legislation is economic development for Kansas.

Sec. 10. K.S.A. 2010 Supp. 74-50,211 is hereby amended to read as follows: 74-50,211. As used in this act, unless the context otherwise requires:

(a) "Act" means the provisions of K.S.A. 2010 Supp. 74-50,210 through 74-50,219, and amendments thereto.

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

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

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

(e) "High-impact project" means a business development project for which the qualified company shall meet the requirements of subsection (c) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.

(f) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte.
(g) "NAICS" means the North American industry classification system.

(h) "NAICS code industry average wage" means the average wage paid to employees of companies classified in the same NAICS code as the qualified company for the region in which the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.

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

(j) "New employee" means a person newly employed by the qualified company in the qualified company’s business operating in Kansas during the taxable year for which benefits are sought under K.S.A. 2010 Supp. 74-50,212, and amendments thereto. A person shall be deemed to be so engaged if such person performs duties in Kansas in connection with the operation of the Kansas business on: (1) A regular, full-time basis; or (2) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year. Employees performing functions directly related to a relocating, expanding, or new business facility, office, department or other operation shall be considered new employees.

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

(l) (1) (A) "Qualified company” means any for-profit corporation, partnership or other entity making available to its full-time employees adequate health insurance coverage and paying at least 50% of the premium for such health insurance, which meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, and submits an application for benefits meeting requirements established by the secretary.

(B) "Qualified company” also includes any not-for-profit corporation which locates within the state of Kansas a regional, national or international headquarters and which meets the requirements of subparagraph (A).

(2) “Qualified company” shall not include any corporation, partnership or other entity: (A) Which is identified by any of the following NAICS code groups, sectors or subsectors:

(i) Industry group 7132 or 8131;

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

(iii) subsector 722;

(B) which is a bioscience company, as defined in K.S.A. 2010 Supp. 74-99b33, and amendments thereto;

(C) which is delinquent in the payment of any nonprotested taxes or
any other amounts due to the federal government, the state of Kansas or
any other political taxing subdivision; or
(D) which has filed for or has publicly announced its intention to file
for bankruptcy protection.
(3) Notwithstanding any provision of this subsection, except for para-
graphs (2)(B), (C) and (D), a company may be deemed a qualified com-
pany if such company’s headquarters or administrative offices located in this state
serve an international or multi-state territory and such company meets the
(m) “Retained job” means an existing job which will be lost without
participation by the employer under the provisions of the promoting em-
ployment across Kansas act.
(n) “Secretary” means the secretary of the department of commerce.
Sec. 11. K.S.A. 2010 Supp. 74-50,212 is hereby amended to rea-
d as follows: 74-50,212. (a) In order to qualify for benefits under this act a
qualified company shall:
(1) Relocate to Kansas an existing business facility, office, department
or other operation doing business outside the state of Kansas and locate the
jobs directly related to such relocated business facility, office, department
or other operation in Kansas; or
(2) locate a new business facility, office, department or other operation
in Kansas and locate the jobs directly related to such business facility,
office, department or other operation in Kansas; or
(3) expand an existing business facility, office, department or other
operation located in the state of Kansas and locate the jobs directly related
to such business facility, office, department or other operation in Kansas,
except that no payroll withholding taxes shall be retained prior to January
1, 2012.
A qualified company may utilize or contract with an unrelated third-
party employer to perform services whereby the third-party employer serves
as the legal employer of the new employees providing services to the qual-
ified company and such services are performed in Kansas and the third-
party employer and the new employees are subject to the Kansas state with-
holding and declaration of estimated tax act.
(b) Any qualified company, approved by the secretary for benefits pur-
suant to paragraph (a), that locates its business operation in a metropolitan
county and will hire at least 10 new employees within two years from the
date the qualified company enters into an agreement with the secretary
pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, or any
qualified company, approved by the secretary for benefits pursuant to par-
agraph (a), that locates its business operation in a non-metropolitan county
and will hire at least five new employees within two years from the date
the qualified company enters into an agreement with the secretary pursuant
to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall: (1) Be
eligible to retain 95% of the qualified company’s Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to:

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

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

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

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

(c) Any qualified company, approved by the secretary for benefits pursuant to paragraph (a), that engages in a high-impact project whereby the qualified company will hire at least 100 new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall be eligible to retain 95% of the qualified company’s Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to:

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

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

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

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

(d) In the event that a qualified company contracts with a third party as described in subsection (a), the third party shall remit payments equal to the amount of Kansas payroll withholding taxes the qualified company is eligible to retain under this section to the qualified company, and report such amount to the department of revenue as required pursuant to subsection (a) of K.S.A. 2010 Supp. 74-50,214, and amendments thereto.

(e) Commencing January 1, 2013, and ending December 31, 2014, any company, which meets the criteria provided pursuant to the provisions of K.S.A. 2010 Supp. 74-50,211, and amendments thereto, that retains the employees of an existing business unit located in Kansas and enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall be eligible to retain 95% of the qualified company’s Kansas payroll withholding taxes for such employees for a period of up to five years.

(f) (1) Commencing January 1, 2013, and ending December 31, 2014,
pursuant to the provisions of subsection (e), the secretary of commerce, in the secretary’s sole determination, may provide the benefits of the promoting employment across Kansas act for situations where it is deemed necessary by the secretary that the state of Kansas provide incentives for a company or its operations currently located in Kansas to remain in Kansas so as to keep its retained jobs. The secretary shall establish and verify that a prospective company has competitive alternatives that it is seriously considering and that a company’s relocation may be imminent. Furthermore, the secretary shall assess:

(A) Whether the retention of the company or its operations is important to the economic vitality of the state;
(B) the area where such company or operations is located; or
(C) whether the retention of the company or its operations is important to a particular industry in the state due to any number of factors including, but not limited to, the quantity, quality or wages of the retained jobs involved.

(2) Effective January 1, 2013, and ending December 31, 2014, the secretary may use the promoting employment across Kansas act in conjunction with other economic development programs to develop a retention package.

(g) The provisions of this act as in effect prior to the effective date of this act shall apply to employers who have entered into agreements with the secretary prior to July 1, 2011. The provisions of this act shall apply to employers who enter into agreements with the secretary on and after July 1, 2011.

Sec. 12. K.S.A. 2010 Supp. 74-50,213 is hereby amended to read as follows: 74-50,213. (a) Any qualified company meeting the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, may apply to the secretary for benefits under this act. The application shall be submitted on a form and in a manner prescribed by the secretary, and shall include:

(1) Evidence that the applicant is a qualified company; and
(2) evidence that the applicant meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.

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

(c) Upon approval of an application for benefits under this act, the secretary may enter into an agreement with the qualified company for benefits under this act. If necessary, the secretary may also enter into an agreement with any third party described in subsection (a) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, or such third party may be a party to the agreement between the qualified company and the secretary. The agreement shall commit the secretary to certify to the secretary of revenue:

(1) That the qualified company is eligible to receive benefits under this act; (2)
the number of new employees hired by the qualified company; and (3) the amount of gross wages being paid to each new employee.

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

(e) A qualified company that is already receiving benefits pursuant to this act may apply to the secretary for additional benefits if the qualified company meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.

(f) A qualified company seeking benefits shall be allowed to participate in the IMPACT program pursuant to K.S.A. 74-50,102 et seq., and amendments thereto, but shall not be allowed to participate in any other program in which any portion of such qualified company’s Kansas payroll withholding taxes have been pledged to finance indebtedness or transferred to or for the benefit of such company. A qualified company shall not be allowed to claim any credits under K.S.A. 79-32,153, 79-32,160a or 79-32,182b, and amendments thereto, if such credits would otherwise be earned for the hiring of new employees and the qualified company has retained any Kansas payroll withholding taxes from wages of such employees. A qualified company shall not be eligible to receive benefits under K.S.A. 2010 Supp. 74-50,212, and amendments thereto, and under K.S.A. 74-50,102 et seq., and amendments thereto, for the same new employees. A qualified company shall not be eligible to receive benefits under K.S.A. 2010 Supp. 74-50,212, and amendments thereto, and under K.S.A. 74-50,102 et seq., and amendments thereto, for the same new employees.

(g) (1) Under no circumstances shall the total amount of benefits authorized or granted to the aggregate of all expanding businesses, as such term is defined in K.S.A. 2010 Supp. 74-50,211, and amendments thereto, under this act exceed $4,800,000 in any fiscal year commencing on or after July 1, 2011, and $6,000,000 in any fiscal year commencing on or after July 1, 2012.

(2) Under no circumstances shall the total amount of benefits authorized or granted to the aggregate of businesses under subsections (e) or (f) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, exceed $1,200,000 in the fiscal year commencing on July 1, 2012, $2,400,000 in the fiscal year commencing on July 1, 2013, and $1,200,000 in the fiscal year commencing on July 1, 2014.

(h) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this act.
2010, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to 95% of the resident individual’s income tax liability under the provisions of the Kansas income tax act for Kansas source income received from a qualified company that is business income attributable to business activities conducted at the business facility, office, department or other operation relocated to Kansas when the taxpayer owns such qualified company and materially participates in such business activities conducted at such relocated business facility, office, department or other operation of such qualified company which qualified for benefits under the provisions of subsection (a)(1) of K.S.A. 74-50,212, and amendments thereto. A taxpayer shall be treated as materially participating in such qualified company’s business activities conducted at such business facility, office, department or other operation relocated to Kansas only if the taxpayer is involved in such business activities of such qualified company on a basis which is regular, continuous and substantial. A taxpayer may claim the credit authorized by this section during any tax year in which the qualified company owned by the taxpayer qualifies for benefits under provisions of K.S.A. 74-50,212, and amendments thereto.

(b) Business income attributable to the business activities conducted at the business facility, office, department or other operation relocated to Kansas of a qualified company which qualified for benefits under the provisions of subsection (a)(1) of K.S.A. 74-50,212, and amendments thereto, shall be determined by multiplying the business income of the company apportioned to this state by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three. For purposes of this subsection, the property factor is a fraction, the numerator of which is the average value of the company’s real and tangible personal property owned or rented and used during the tax period at such relocated facility, office, department or other relocated operation in Kansas, and the denominator of which is the average value of the company’s real and tangible personal property owned or rented and used within this state during the tax period. The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the company for compensation at such relocated facility, office, department or other relocated operation in Kansas, and the denominator of which is the total compensation paid by the company in this state during the tax period. The sales factor is a fraction, the numerator of which is the total sales of the relocated facility, office, department or other relocated operation in this state during the tax period, and the denominator of which is the total sales of the company in this state during the tax period.

(c) The secretary of revenue shall adopt rules and regulations regarding the filing of documents that support the qualifications of the taxpayer for the credit claimed pursuant to this section.

Sec. 14. K.S.A. 2010 Supp. 79-32,160a is hereby amended to read as
follows: 70-32,160a. (a) For taxable years commencing after December 31, 1999, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee’s service performed outside the qualified business facility is incidental to the employee’s service inside the qualified business facility; or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer’s Kansas
taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

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

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

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

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

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

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

(e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds $50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer’s Kansas taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the 10th/16th taxable year succeeding the taxable year in which such credit initially was claimed and no carryforward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable year pursuant to K.S.A. 74-50,131, and amendments thereto, and no carryforward shall be allowed for deduction in any suc-
ceeding taxable year unless the taxpayer certifies under oath that the taxpayer continues to meet the requirements of K.S.A. 74-50,131, and amendments thereto, and this act. In no event shall any credit allowed under this section that expired during any taxable year prior to the taxable year commencing January 1, 2011, be revived under the provisions of this act.

(f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto.

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

Sec. 15. K.S.A. 2010 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act: (a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301, and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business, or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the
renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, “funds of a political subdivision” shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to
all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such
purchases are made, and such suppliers shall execute invoices covering the
same bearing the number of such certificate. Upon completion of the project
the contractor shall furnish to the government of the United States, its agen-
cies or instrumentalities concerned a sworn statement, on a form to be
provided by the director of taxation, that all purchases so made were entitled
to exemption under this subsection. As an alternative to the foregoing pro-
cedure, any such contracting entity may apply to the secretary of revenue
for agent status for the sole purpose of issuing and furnishing project ex-
emption certificates to contractors pursuant to rules and regulations adopted
by the secretary establishing conditions and standards for the granting and
maintaining of such status. All invoices shall be held by the contractor for
a period of five years and shall be subject to audit by the director of taxation.
Any contractor or any agent, employee or subcontractor thereof, who shall
use or otherwise dispose of any materials purchased under such a certificate
for any purpose other than that for which such a certificate is issued without
the payment of the sales or compensating tax otherwise imposed upon such
materials, shall be guilty of a misdemeanor and, upon conviction therefor,
shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615,
and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility
for consumption or movement directly and immediately in interstate com-
merce;

(g) sales of aircraft including remanufactured and modified aircraft sold
to persons using directly or through an authorized agent such aircraft as
certified or licensed carriers of persons or property in interstate or foreign
commerce under authority of the laws of the United States or any foreign
government or sold to any foreign government or agency or instrumentality
of such foreign government and all sales of aircraft for use outside of the
United States and sales of aircraft repair, modification and replacement
parts and sales of services employed in the remanufacture, modification and
repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary
or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound
or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such
meals to employees of any restaurant, eating house, dining car, hotel, drug-
store or other place where meals or drinks are regularly sold to the public
if such employees’ duties are related to the furnishing or sale of such meals
or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are
defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and
delivered in this state to a bona fide resident of another state, which motor
vehicle, semitrailer, pole trailer or aircraft is not to be registered or based
in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of subsection (o) of K.S.A. 79-3603, and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, “drug” means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equip-
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ment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by subsection (c) of K.S.A. 74-5807, and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) “Mobility enhancing equipment” means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) “prosthetic device” means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2010 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq. and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term “farm machinery and equipment or aquaculture machinery and equipment” shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. “Farm machinery and equipment” includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. “Precision farming equipment” includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data com-
communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b Second through Sixth. As used in this paragraph, "severing" shall have the meaning ascribed thereto by subsection (k) of K.S.A. 79-4216, and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of natural gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;
(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) ‘‘Mobile homes’’ and ‘‘manufactured homes’’ shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto; and (2) ‘‘sales of used mobile homes or manufactured homes’’ means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. As used in this subsection, ‘‘business’’ and ‘‘retail business’’ have the meanings respectively ascribed thereto by K.S.A. 74-50,114, and amendments thereto;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined
without regard to any trade-in allowance, received from such sale. As used in this subsection, ‘‘mobile homes’’ and ‘‘manufactured homes’’ shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto;

( gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, ‘‘durable medical equipment’’ means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based mental retardation facility or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based mental retardation facility or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and
(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for
wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) “repair and replacement parts and accessories” means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) “primary” or “primarily” mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer’s integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;
(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer’s production operation; or, if purchased or delivered from offsite, from the point where the substance enters the site of the plant or facility to that manufacturer’s production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; and (E) a manufacturing or processing business’ laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E).  

(5) “Machinery and equipment used as an integral or essential part of an integrated production operation” shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping,
advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling; 

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant; 

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility; 

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process; 

(E) furniture and other furnishings; 

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt; 

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical; 

(H) machinery and equipment used for general plant heating, cooling and lighting; 

(I) motor vehicles that are registered for operation on public highways; or 

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities. 

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purpose at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption. 

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection; 

(II) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health; 

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use; 

(nn) except as otherwise provided in this act, all sales of services ren-
dered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

1. The American Heart Association, Kansas Affiliate, Inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

2. the Kansas Alliance for the Mentally Ill, Inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

3. the Kansas Mental Illness Awareness Council for the purposes of advocacy for persons who are mentally ill and to education, research and support for them and their families;

4. the American Diabetes Association Kansas Affiliate, Inc. for the
purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American Lung Association of Kansas, Inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer’s Disease and Related Disorders Association, Inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer’s disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson’s disease association for the purpose of eliminating Parkinson’s disease through medical research and public and professional education related to such disease;

(8) the National Kidney Foundation of Kansas and Western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the Cystic Fibrosis Foundation, Heart of America Chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the Dreams Work, Inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose
of providing support to persons with Lyme disease and public education relating to the prevention, treatment and cure of Lyme disease;

(17) the Dream Factory, Inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki Strings, Inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the International Association of Lions Clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American Cancer Society, Inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the Angel Babies Association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(xx) all sales of tangible personal property purchased by the Habitat for Humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(ww) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging,
furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing,
equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director.
of accounts and reports pursuant to vouchers approved by the director or the director’s designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation.

If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials
purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business’ retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas Academy of Science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section
501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto.
Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director’s designee.

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, “dietary supplement” means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(III) all sales of tangible personal property and services purchased by special olympics Kansas, Inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac Center, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nn) all sales of tangible personal property and services purchased by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable Fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public
library serving the general public and supported in whole or in part with
tax money or a not-for-profit organization whose purpose is to raise funds
for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by
or on behalf of a homeless shelter which is exempt from federal income
taxation pursuant to section 501(c)(3) of the federal income tax code of
1986, and used by any such homeless shelter to provide emergency and
transitional housing for individuals and families experiencing homelessness,
and all sales of any such property by or on behalf of any such homeless
shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by
TLC for children and families, inc., hereinafter referred to as TLC, which
is exempt from federal income taxation pursuant to section 501(c)(3) of the
federal internal revenue code of 1986, and which such property and services
are used for the purpose of providing emergency shelter and treatment for
abused and neglected children as well as meeting additional critical needs
for children, juveniles and family, and all sales of any such property by or
on behalf of TLC for any such purpose; and all sales of tangible personal
property or services purchased by a contractor for the purpose of construct-
ing, maintaining, repairing, enlarging, furnishing or remodeling facilities
for the operation of services for TLC for any such purpose which would
be exempt from taxation under the provisions of this section if purchased
directly by TLC. Nothing in this subsection shall be deemed to exempt the
purchase of any construction machinery, equipment or tools used in the
constructing, maintaining, repairing, enlarging, furnishing or remodeling
such facilities for TLC. When TLC contracts for the purpose of construct-
ing, maintaining, repairing, enlarging, furnishing or remodeling such facil-
ities, it shall obtain from the state and furnish to the contractor an exemption
certificate for the project involved, and the contractor may purchase ma-
terials for incorporation in such project. The contractor shall furnish the
number of such certificate to all suppliers from whom such purchases are
made, and such suppliers shall execute invoices covering the same bearing
the number of such certificate. Upon completion of the project the contrac-
tor shall furnish to TLC a sworn statement, on a form to be provided by
the director of taxation, that all purchases so made were entitled to exemp-
tion under this subsection. All invoices shall be held by the contractor for
a period of five years and shall be subject to audit by the director of taxation.
If any materials purchased under such a certificate are found not to have
been incorporated in the building or other project or not to have been re-
turned for credit or the sales or compensating tax otherwise imposed upon
such materials which will not be so incorporated in the building or other
project reported and paid by such contractor to the director of taxation not
later than the 20th day of the month following the close of the month in
which it shall be determined that such materials will not be used for the
purpose for which such certificate was issued, TLC shall be liable for tax
on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director
of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incor-
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porated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto.

(uuu) all sales of tangible personal property and services purchased by Kansas children’s service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have
been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by Jazz in the Woods, Inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing Jazz in the Woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac Education Foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, re-
pairing, enlarging, furnishing or remodeling facilities, it shall obtain from
the state and furnish to the contractor an exemption certificate for the project
involved, and the contractor may purchase materials for incorporation in
such project. The contractor shall furnish the number of such certificate to
all suppliers from whom such purchases are made, and such suppliers shall
execute invoices covering the same bearing the number of such certificate.
Upon completion of the project the contractor shall furnish to such organ-
ization concerned a sworn statement, on a form to be provided by the di-
rector of taxation, that all purchases so made were entitled to exemption
under this subsection. All invoices shall be held by the contractor for a
period of five years and shall be subject to audit by the director of taxation.
If any materials purchased under such a certificate are found not to have
been incorporated in such facilities or not to have been returned for credit
or the sales or compensating tax otherwise imposed upon such materials
which will not be so incorporated in such facilities reported and paid by
such contractor to the director of taxation not later than the 20th day of the
month following the close of the month in which it shall be determined that
such materials will not be used for the purpose for which such certificate
was issued, such organization concerned shall be liable for tax on all ma-
terials purchased for the project, and upon payment thereof it may recover
the same from the contractor together with reasonable attorney fees. Any
contractor or any agent, employee or subcontractor thereof, who shall use
or otherwise dispose of any materials purchased under such a certificate for
any purpose other than that for which such a certificate is issued without
the payment of the sales or compensating tax otherwise imposed upon such
materials, shall be guilty of a misdemeanor and, upon conviction therefor,
shall be subject to the penalties provided for in subsection (g) of K.S.A.
79-3615, and amendments thereto. Sales tax paid on and after January 1,
2007, but prior to the effective date of this act upon the gross receipts
received from any sale which would have been exempted by the provisions
of this subsection had such sale occurred after the effective date of this act
shall be refunded. Each claim for a sales tax refund shall be verified and
submitted to the director of taxation upon forms furnished by the director
and shall be accompanied by any additional documentation required by the
director. The director shall review each claim and shall refund that amount
of sales tax paid as determined under the provisions of this subsection. All
refunds shall be paid from the sales tax refund fund upon warrants of the
director of accounts and reports pursuant to vouchers approved by the di-
rector or the director’s designee;

(yyy) all sales of tangible personal property and services purchased by
TLC charities foundation, inc., hereinafter referred to as TLC charities,
which is exempt from federal income taxation pursuant to section 501(c)(3)
of the federal internal revenue code of 1986, and which such property and
services are used for the purpose of encouraging private philanthropy to
further the vision, values, and goals of TLC for children and families, inc.;
and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on
behalf of victory in the valley, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization’s annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization’s annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(ddd) all sales of tangible personal property or services purchased by or on behalf of Goodwill Industries or Easter Seals of Kansas, Inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of All American Beef Battalion, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services; and

(ffff) all sales of tangible personal property and services purchased by sheltered living, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or mental retardation, or both, and all sales of any such property by or on behalf of sheltered living, Inc. for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, Inc. for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, Inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction ma-
chinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc. contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc. a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc. shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto; and

(gggg) all sales of game birds for which the primary purpose is use in hunting.


Sec. 17. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 26, 2011.
AN ACT concerning taxation; relating to IMPACT program; income tax deductions, expensing of investment expenditures; income tax credits; sales tax exemptions; creating job creation program fund, administration and expenditures; providing a checkoff for the Kansas hometown heroes fund; amending K.S.A. 2010 Supp. 74-50,104, 74-50,106, 74-50,107, 74-50,109, 74-50,110, 79-32,160a, 79-32,206 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,151 and 74-50,152.

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

New Section 1. (a) There is hereby created in the state treasury the job creation program fund. The secretary of commerce, in consultation with the secretary of revenue and the governor, shall administer the fund. All expenditures from the fund shall be for the purpose of promoting job creation and economic development by funding projects related to: (1) Major expansion of an existing Kansas commercial enterprise; (2) potential location in Kansas of the operations of a major employer; (3) award of a significant federal or private sector grant which has a financial matching requirement; (4) potential departure from Kansas or the substantial reduction of the operations of a major Kansas employer; (5) training or retraining activities for employees in Kansas companies; (6) potential closure or substantial reduction of the operations of a major state or federal institution; (7) projects in counties with at least a 10% population decline during the period from 2000 to 2010; or (8) other unique economic development opportunities.

(b) All expenditures from the fund shall be for the purposes described in subsection (a) and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the secretary’s designee.

(c) The secretary shall annually make a report on activities of the department related to administration of the job creation program fund and the funding of projects therefor. Such report shall contain specific and aggregate information regarding all expenditures from the fund, projects receiving funds, the amount of funds expended for each project, the reason and purpose described in subsections (a)(1) through (a)(8) for which funding was approved for each project, the number and characteristics of jobs created or retained in Kansas, the number of such jobs created or retained which do not continue to exist and the circumstances and effect of such discontinuance, and any other accomplishments related thereto. The secretary shall present such report to the president of the senate, the speaker of the house, the senate minority leader, the house minority leader, the house committee on taxation, the senate committee on assessment and tax-
ation, the senate committee on commerce and the house committee on commerce and economic development during January of each year.

New Sec. 2. (a) For taxable years beginning after December 31, 2011, a taxpayer may elect to take an expense deduction from Kansas net income before expensing or recapture allocated or apportioned to this state for the cost of the following property placed in service in this state during the taxable year: (1) Tangible property eligible for depreciation under the modified accelerated cost recovery system in section 168 of the internal revenue code, as amended, but not including residential rental property, nonresidential real property, any railroad grading or tunnel bore or any other property with an applicable recovery period in excess of 25 years as defined under section 168(c) or (g) of the internal revenue code, as amended; and (2) computer software as defined in section 197(e)(3)(B) of the internal revenue code, as amended, and as described in section 197(e)(3)(A)(i) of the internal revenue code, as amended, to which section 167 of the internal revenue code, as amended, applies. If such election is made, the amount of expense deduction for such cost shall equal the difference between the depreciable cost of such property for federal income tax purposes and the amount of bonus depreciation being claimed for such property pursuant to section 168(k) of the internal revenue code, as amended, for federal income tax purposes in such tax year, but without regard to any expense deduction being claimed for such property under section 179 of the internal revenue code, as amended, multiplied by the applicable factor, determined by using, the table provided in subsection (f), based on the method of depreciation selected pursuant to section 168(b)(1), (2), or (3) or (g) of the internal revenue code, as amended, and the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended. This election shall be made by the due date of the original return, including any extensions, and may be made only for the taxable year in which the property is placed in service, and once made, shall be irrevocable. If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets.

(b) If the amount of expense deduction calculated pursuant to subsection (a) exceeds the taxpayer's Kansas net income before expensing or recapture allocated or apportioned to this state, such excess amount shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and amendments thereto.

(c) If the property for which an expense deduction is taken pursuant to subsection (a) is subsequently sold during the applicable recovery period for such property as defined under section 168(c) of the internal revenue code, as amended, and in a manner that would cause recapture of any previously taken expense or depreciation deductions for federal income tax
purposes, or if the situs of such property is otherwise changed such that the
property is relocated outside the state of Kansas during such applicable
recovery period, then the expense deduction determined pursuant to sub-
section (a) shall be subject to recapture and treated as Kansas taxable in-
come allocated to this state. The amount of recapture shall be the Kansas
expense deduction determined pursuant to subsection (a) multiplied by a
fraction, the numerator of which is the number of years remaining in the
applicable recovery period for such property as defined under section 168(c)
or (g) of the internal revenue code, as amended, after such property is sold
or removed from the state including the year of such disposition, and the
denominator of which is the total number of years in such applicable re-
coveroy period.

(d) The situs of tangible property for purposes of claiming and recap-
ture of the expense deduction shall be the physical location of such property.
If such property is mobile, the situs shall be the physical location of the
business operations from where such property is used or based. The situs
of computer software shall be apportioned to Kansas based on the fraction,
the numerator of which is the number of the taxpayer’s users located in
Kansas of licenses for such computer software used in the active conduct
of the taxpayer’s business operations, and the denominator of which is the
total number of the taxpayer’s users of the licenses for such computer soft-
ware used in the active conduct of the taxpayer’s business operations ev-
everywhere.

(e) Any member of a unitary group filing a combined report may elect
to take an expense deduction pursuant to subsection (a) for an investment
in property made by any member of the combined group, provided that the
amount calculated pursuant to subsection (a) may only be deducted from
the Kansas net income before expensing or recapture allocated to or ap-
portioned to this state by such member making the election.

(f) The following table shall be used in determining the expense de-
duction calculated pursuant to subsection (a):

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<th>IRC§168 Recover Period (year)</th>
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* Not Applicable.


New Sec. 3. Except as otherwise provided, for taxable years commencing after December 31, 2011, no credits may be earned through the Kansas enterprise zone act, K.S.A. 79-32,160a; or the job expansion and investment tax credit act, K.S.A. 79-32,153. Any carry forward credit that has been earned through the Kansas enterprise zone act, K.S.A. 79-32,160a, and is remaining after December 31, 2011, may be carried forward to succeeding taxable years as long as all requirements continue to be met. Any credit that has been earned through the job expansion and investment tax credit act, K.S.A. 79-32,153, with years left in recomputing the credit after December 31, 2011, may continue for the remainder of the nine-year period as long as all requirements continue to be met.

New Sec. 4. (a) For all tax years commencing after December 31, 2011, each Kansas state individual income tax return form shall contain a designation as follows:

Kansas Hometown Heroes Fund. Check if you wish to donate, in addition to your tax liability, or designate from your refund, _____$1, _____$5, _____$10 or $______.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the Kansas
hometown heroes fund pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the Kansas hometown heroes fund which fund is hereby established in the state treasury. All moneys deposited in such fund shall be used solely for the purpose of funding the continued operations of the veteran services program of the Kansas commission on veterans affairs. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the Kansas commission on veterans affairs.

Sec. 5. K.S.A. 2010 Supp. 74-50,104 is hereby amended to read as follows: 74-50,104. (a) The secretary shall administer the provisions of this act and the IMPACT program established thereunder. The secretary shall encourage Kansas basic enterprises with similar training needs to cooperate in establishing SKILL projects. The secretary shall coordinate the SKILL program with other job training programs administered by the department of commerce. The secretary shall provide opportunities for coordination and cooperation of SKILL projects with other job training activities in Kansas. Subject to the limitation in K.S.A. 74-50,103, and amendments thereto, the secretary shall be authorized to make direct investments in educational and related workforce development institutions, for the purpose of promoting improvements in workforce development, human capital, training expertise, infrastructure and job retention.

(b) The secretary shall adopt rules and regulations as follows: (1) Prescribing review standards and priorities for approval of proposed agreements under this act, including appropriate incentives for cooperation among projects, in order to maximize the number of new jobs created or retained with respect to individual Kansas basic enterprises, which will remain in Kansas, and (2) prescribing limits on program costs and on project and program size in relation to the number of new jobs created and wages of new or retained jobs. No agreement shall be approved which provides for program costs of a project under the agreement of more than 95% of the amount equal to the estimated rate of withholding tax applied to the estimated amount of gross wages of all the new or retained jobs under the project over a ten-year period, except that this provision shall not apply to any project funded from the job creation program fund.

(c) Notice of the approval of a project or program and an annual report of the number of jobs created or retained under the IMPACT act shall be provided to the chairpersons of the senate committee on commerce and the committee on economic development of the house of representatives.
(d) The secretary may adopt such other rules and regulations as may be required for the implementation and administration of this act.

Sec. 6. K.S.A. 2010 Supp. 74-50,106 is hereby amended to read as follows: 74-50,106. (a) The secretary of commerce shall review applications for proposed agreements submitted by employers in accordance with the standards and guidelines prescribed by this act and by rules and regulations adopted under K.S.A. 74-50,104, and amendments thereto. Each application for approval of a proposed agreement shall be accompanied by information about the number and wages of the new or retained jobs created by the employer, documentation of existing training activities of the employer and such other information as may be required by the secretary of commerce.

(b) The secretary of commerce may pool the funding requirements of projects which are the subject of proposed agreements to determine the funding requirements of the IMPACT projects under consideration to facilitate the issuance of bonds by the Kansas development finance authority.

(c) The secretary of commerce is hereby authorized to expend funds raised pursuant to this act on major project investments. The secretary shall adopt guidelines consistent with this act concerning firm eligibility for major project investments and shall otherwise administer the major project investment portion of the IMPACT act.

(d) In order for an employer to be eligible for a major project investment, the employer must:

1. Annually make an investment in training and education of the employer’s employees that exceeds 2% of the employer’s total annual payroll costs; or
2. agree that a portion of any funds available under the agreement be spent directly on employee education and training.

(e) An employer not creating new jobs shall be eligible to participate in the IMPACT program if the employer meets the following criteria: (1) Maintains a minimum of 250 retained jobs if located in a metropolitan statistical area or a minimum of 100 retained jobs if located in a nonmetropolitan statistical area; and (2) the secretary of commerce finds that the program or project will be a major factor in the Kansas basic enterprise remaining in Kansas, except that this subsection shall not apply to any project funded from the job creation program fund.

Sec. 7. K.S.A. 2010 Supp. 74-50,107 is hereby amended to read as follows: 74-50,107. (a) The secretary shall determine and from time to time shall redetermine the rate at which moneys shall be credited to the IMPACT program repayment fund in order to satisfy all bond repayment obligations which have been incurred to finance program costs for IMPACT programs, which shall be referred to as the debt service rate, and the rate at which moneys shall be credited to the IMPACT program services fund in order to finance program costs that are not financed by bonds, which shall be referred to as the direct funding rate. The total of the debt service rate and
the direct funding rate shall be the combined rate. Each rate so determined shall be certified to the secretary of revenue. The combined rate determined under this subsection shall not exceed 2%.

(b) Upon receipt of the rates determined and certified under subsection (a), the secretary of revenue shall apply daily the combined rate to that portion of the moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited as follows: (1) The portion attributable to the debt service rate shall be credited to the IMPACT program repayment fund, and (2) the remaining portion shall be credited to the IMPACT program services fund.

The aggregate of all amounts credited to the IMPACT program repayment fund under this section during any fiscal year to pay bond repayment obligations on bonds to finance major project investments shall not exceed the amount which results when the rate of 2% is applied to all money withheld from the wages of individuals and received under the Kansas withholding and declaration of estimated tax act.

(a) (1) The secretary shall determine and from time to time shall redetermine the rate at which moneys shall be credited to the IMPACT program repayment fund in order to satisfy all bond repayment obligations which have been incurred to finance program costs for IMPACT programs, which shall be referred to as the debt service rate, and the rate at which moneys shall be credited to the IMPACT program services fund in order to finance program costs that are not financed by bonds, which shall be referred to as the direct funding rate. The total of the debt service rate and the direct funding rate shall be the combined rate. Each rate so determined shall be certified to the secretary of revenue. The combined rate determined under this subsection shall not exceed 2%.

(2) Upon receipt of the rates determined and certified under subsection (a)(1), the secretary of revenue shall apply daily the combined rate to that portion of the moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited as follows: (A) The portion attributable to the debt service rate shall be credited to the IMPACT program repayment fund; and (B) the remaining portion shall be credited to the IMPACT program services fund.

(3) The aggregate of all amounts credited to the IMPACT program repayment fund under this section during any fiscal year to pay bond repayment obligations on bonds to finance major project investments shall not exceed the amount which results when the rate of 2% is applied to all moneys withheld from the wages of individuals and received under the Kansas withholding and declaration of estimated tax act.

(4) The provisions of this subsection shall remain in effect prior to July 1, 2012.

(b) Commencing July 1, 2012, the secretary of revenue shall apply a
rate of 2% to that portion of moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited as follows: (1) An amount necessary to meet obligations of the debt services for the IMPACT program repayment fund; and (2) an amount to the IMPACT program services fund as needed for program administration; and (3) any remaining amounts to the job creation program fund created pursuant to section 1, and amendments thereto.

(c) Commencing July 1, 2012, and on an annual basis thereafter, the secretary of revenue shall estimate the amount equal to the amount of net savings realized from the elimination, modification or limitation of any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in section 2, and amendments thereto. Whereupon such amount of savings in accordance with appropriation acts shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount to the credit of the job creation program fund created pursuant to section 1, and amendments thereto. In addition, such other amount or amounts of money may be transferred from the state general fund or any other fund or funds in the state treasury to the job creation program fund in accordance with appropriation acts.

Sec. 8. K.S.A. 2010 Supp. 74-50,109 is hereby amended to read as follows: 74-50,109. (a) There is hereby created in the state treasury the IMPACT program repayment fund. The secretary of commerce shall administer the IMPACT program repayment fund. Except as provided in subsection (c), all moneys credited to the IMPACT program repayment fund shall be to make payments to the Kansas development finance authority for payment of costs relating to the retirement of bonds issued to finance projects approved by the secretary of commerce under this act, including but not limited to the principal of and interest on such bonds and the expenses of issuance. All expenditures from the IMPACT program repayment fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the secretary’s designee.

(b) Upon request of the secretary of commerce, the director of accounts and reports shall establish one or more reserve accounts in the IMPACT program repayment fund to secure one or more issues of bonds issued by the Kansas development finance authority for the purposes of this act.

(c) On June 30 of each year, any unencumbered balance in the IMPACT program repayment fund which is not required for payment of such expenses during the ensuing fiscal year, including any such expenses associated with proposed investment agreements and bond issues under consideration for such fiscal year, and which is not credited to any
reserve account in the fund, as certified by the secretary of commerce to the director of accounts and reports, shall be transferred by the director of accounts and reports from the IMPACT program repayment fund to the IMPACT program services fund or the job creation program fund.

Sec. 9. K.S.A. 2010 Supp. 74-50,110 is hereby amended to read as follows: 74-50,110. Except as otherwise provided, the activities of the secretary of commerce in administering and performing the powers, duties and functions prescribed by the provisions of this act and providing moneys for IMPACT programs from the proceeds of bonds issued by the Kansas development finance authority are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of such bonds by the Kansas development finance authority in accordance with that statute. The provisions of subsection (a) of K.S.A. 74-8905 and amendments thereto shall not prohibit the issuance of bonds for such purposes when so authorized and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905 and amendments thereto. No bonds shall be issued for IMPACT projects after December 31, 2011.

Sec. 10. K.S.A. 2010 Supp. 79-32,160a is hereby amended to read as follows: 79-32,160a. (a) For taxable years commencing after December 31, 1999, and before January 1, 2012, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, and effective for tax years commencing after December 31, 2010, and before January 1, 2012, located in an area other than a metropolitan county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, and amendments thereto, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result
of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee’s service performed outside the qualified business facility is incidental to the employee’s service inside the qualified business facility, or (2) the base of operations or the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer’s Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, and amendments thereto, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

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

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

(c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, and effective for tax years commencing after December 31, 2010, and before January 1, 2012, located in an area other than a metropolitan county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas
income tax act on the taxpayer’s Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, and amendments thereto, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

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

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

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

(e) Notwithstanding the foregoing provisions of this section, and except as otherwise provided in this subsection, any taxpayer qualified and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kan-
sas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds $50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. For tax years beginning on or after January 1, 2012, for a qualified business facility investment in Douglas, Johnson, Sedgwick, Shawnee or Wyandotte counties, such credit shall be in an amount equal to 10% of that portion of the qualified business facility investment which exceeds $1,000,000. Any taxpayer who has filed a certificate of intent to invest in a qualified business facility pursuant to this subsection in Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county prior to December 31, 2011, and commences investments in a qualified business facility prior to December 31, 2013, may claim credits under K.S.A. 74-50,131, 74-50,132 and subsection (e) of 79-32,160a, and amendments thereto, in an amount equal to 10% of that portion of the qualified business facility investment which exceeds $50,000. Timing modifications may be authorized at the discretion of the secretary of commerce and the secretary of revenue during the transition period. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer’s Kansas taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, and amendments thereto, for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the 10th taxable year succeeding the taxable year in which such credit initially was claimed and no carry forward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable year pursuant to K.S.A. 74-50,131, and amendments thereto.

(f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto.

(g) This section and K.S.A. 79-32,160b, and amendments thereto, shall be part of and supplemental to the job expansion and investment credit act of 1976 and acts amendatory thereof and supplemental amendments thereto.
Sec. 11. K.S.A. 2010 Supp. 79-32,206 is hereby amended to read as follows: 79-32,206. For all taxable years commencing after December 31, 2001, and before January 1, 2012, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, the premiums tax upon insurance companies imposed pursuant to K.S.A. 40-252, and amendments thereto, and the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, an amount equal to 15% of the property tax levied for property tax years 2002, 2003 and 2004, 20% of the property tax levied for property tax years 2005 and 2006, and 25% of the property tax levied for property tax year 2007, and all such years thereafter, actually and timely paid during an income or privilege taxable year upon commercial and industrial machinery and equipment classified for property taxation purposes pursuant to section 1 of article 11 of the Kansas constitution in subclass (5) or (6) of class 2, machinery and equipment classified for such purposes in subclass (2) of class 2. For all taxable years commencing after December 31, 2004, and before January 1, 2012, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act an amount equal to 20% of the property tax levied for property tax years 2005 and 2006, and 25% of the property tax levied for property tax year 2007 and all such years thereafter, actually and timely paid during an income taxable year upon railroad machinery and equipment classified for property tax purposes pursuant to section 1 of article 11 of the Kansas constitution in subclass (3) of class 2. If the amount of such tax credit exceeds the taxpayer’s income tax liability for the taxable year, the amount thereof which exceeds such tax liability shall be refunded to the taxpayer. If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company. The secretary of revenue shall adopt rules and regulations regarding the filing of documents that support the amount of credit claimed pursuant to this section.

Sec. 12. K.S.A. 2010 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301 and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817 and amendments thereto, including wort, liquid malt, malt syrup and
malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02 and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, dry cleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when:

(1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business, or

(2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would
be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418 and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational in-
stitution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615 and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold
to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees’ duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of subsection (o) of K.S.A. 79-3603 and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;
(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, “drug” means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States Pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by subsection (c) of K.S.A. 74-5807, and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) “Mobility enhancing equipment” means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) “prosthetic device” means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2010 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq. and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district
organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the
district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term “farm machinery and equipment or aquaculture machinery and equipment” shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto. “Farm machinery and equipment” includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. “Precision farming equipment” includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;
(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b Second through Sixth. As used in this paragraph, “severing” shall have the meaning ascribed thereto by subsection (k) of K.S.A. 79-4216, and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418 and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) “Mobile homes” and “manufactured homes” shall have the meanings ascribed thereto by K.S.A. 58-4202 and amendments thereto; and (2) “sales of used mobile homes or manufactured homes” means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115 and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of
any such business or retail business, such person shall obtain from the state
and furnish to the contractor an exemption certificate for the project in-
volved, and the contractor may purchase materials, machinery and equip-
ment for incorporation in such project. The contractor shall furnish the
number of such certificates to all suppliers from whom such purchases are
made, and such suppliers shall execute invoices covering the same bearing
the number of such certificate. Upon completion of the project the contrac-
tor shall furnish to the owner of the business or retail business a sworn
statement, on a form to be provided by the director of taxation, that all
purchases so made were entitled to exemption under this subsection. All
invoices shall be held by the contractor for a period of five years and shall
be subject to audit by the director of taxation. Any contractor or any agent,
employee or subcontractor thereof, who shall use or otherwise dispose of
any materials, machinery or equipment purchased under such a certificate
for any purpose other than that for which such a certificate is issued without
the payment of the sales or compensating tax otherwise imposed thereon,
shall be guilty of a misdemeanor and, upon conviction therefor, shall be
subject to the penalties provided for in subsection (g) of K.S.A. 79-3615
and amendments thereto. As used in this subsection, “business” and “retail
business” have the meanings respectively ascribed thereto by K.S.A. 74-
50,114 and amendments thereto. Project exemption certificates that have
been previously issued under this subsection by the department of revenue
pursuant to K.S.A. 74-50,115, and amendments thereto, but not including
K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012,
and have not expired will be effective for the term of the project or two
years from the effective date of the certificate, whichever occurs earlier.
Project exemption certificates that are submitted to the department of rev-
ue prior to January 1, 2012, and are found to qualify will be issued a
project exemption certificate that will be effective for a two-year period or
for the term of the project, whichever occurs earlier;
(dd) all sales of tangible personal property purchased with food stamps
issued by the United States department of agriculture;
(ee) all sales of lottery tickets and shares made as part of a lottery
operated by the state of Kansas;
(ff) on and after July 1, 1988, all sales of new mobile homes or man-
ufactured homes to the extent of 40% of the gross receipts, determined
without regard to any trade-in allowance, received from such sale. As used
in this subsection, “mobile homes” and “manufactured homes” shall have
the meanings ascribed thereto by K.S.A. 58-4202 and amendments thereto;
(gg) all sales of tangible personal property purchased in accordance
with vouchers issued pursuant to the federal special supplemental food pro-
gram for women, infants and children;
(hh) all sales of medical supplies and equipment, including durable
medical equipment, purchased directly by a nonprofit skilled nursing home
or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923,
and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, “durable medical equipment” means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a non-profit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based mental retardation facility or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b and amendments thereto and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based mental retardation facility or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) “Integrated production operation” means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post
production handling, storage, warehousing and distribution operations; and
(iv) waste, pollution and environmental control operations, if any;

(B) “production line” means the assemblage of machinery and equip-
ment at a manufacturing or processing plant or facility where the actual
transformation or processing of tangible personal property occurs;

(C) “manufacturing or processing plant or facility” means a single,
fixed location owned or controlled by a manufacturing or processing busi-
ness that consists of one or more structures or buildings in a contiguous
area where integrated production operations are conducted to manufacture
or process tangible personal property to be ultimately sold at retail. Such
term shall not include any facility primarily operated for the purpose of
conveying or assisting in the conveyance of natural gas, electricity, oil or
water. A business may operate one or more manufacturing or processing
plants or facilities at different locations to manufacture or process a single
product of tangible personal property to be ultimately sold at retail;

(D) “manufacturing or processing business” means a business that
utilizes an integrated production operation to manufacture, process, fabri-
cate, finish, or assemble items for wholesale and retail distribution as part
of what is commonly regarded by the general public as an industrial man-
ufacturing or processing operation or an agricultural commodity processing
operation. (i) Industrial manufacturing or processing operations include, by
way of illustration but not of limitation, the fabrication of automobiles,
airplanes, machinery or transportation equipment, the fabrication of metal,
plastic, wood, or paper products, electricity power generation, water treat-
ment, petroleum refining, chemical production, wholesale bottling, news-
paper printing, ready mixed concrete production, and the remanufacturing
of used parts for wholesale or retail sale. Such processing operations shall
include operations at an oil well, gas well, mine or other excavation site
where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been
extracted from the earth is cleaned, separated, crushed, ground, milled,
screened, washed, or otherwise treated or prepared before its transmission
to a refinery or before any other wholesale or retail distribution. (ii) Agri-
cultural commodity processing operations include, by way of illustration
but not of limitation, meat packing, poultry slaughtering and dressing, pro-
cessing and packaging farm and dairy products in sealed containers for
wholesale and retail distribution, feed grinding, grain milling, frozen food
processing, and grain handling, cleaning, blending, fumigation, drying and
aeration operations engaged in by grain elevators or other grain storage
facilities. (iii) Manufacturing or processing businesses do not include, by
way of illustration but not of limitation, nonindustrial businesses whose
operations are primarily retail and that produce or process tangible personal
property as an incidental part of conducting the retail business, such as
retailers who bake, cook or prepare food products in the regular course of
their retail trade, grocery stores, meat lockers and meat markets that butcher
or dress livestock or poultry in the regular course of their retail trade, con-
tractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) “repair and replacement parts and accessories” means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) “primary” or “primarily” mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer’s integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer’s production operation; or, if purchased or delivered from offsite, from the point where the substance enters the site of the plant or facility to that manufacturer’s production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain
levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process:

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; and (E) a manufacturing or processing business’ laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E).

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, recordkeeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;
(E) furniture and other furnishings;
(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;
(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;
(H) machinery and equipment used for general plant heating, cooling and lighting;
(I) motor vehicles that are registered for operation on public highways; or
(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.
(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purpose at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.
(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;
(II) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health;
(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;
(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;
(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;
(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;
(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income
taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

1. The American Heart Association, Kansas Affiliate, Inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

2. the Kansas Alliance for the Mentally Ill, Inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

3. the Kansas Mental Illness Awareness Council for the purposes of advocacy for persons who are mentally ill and to education, research and support for them and their families;

4. the American Diabetes Association Kansas Affiliate, Inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

5. the American Lung Association of Kansas, Inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

6. the Kansas chapters of the Alzheimer’s Disease and Related Disorders Association, Inc. for the purpose of providing assistance and support
to persons in Kansas with Alzheimer’s disease, and their families and caregivers;
(7) the Kansas chapters of the Parkinson’s disease association for the purpose of eliminating Parkinson’s disease through medical research and public and professional education related to such disease;
(8) the National Kidney Foundation of Kansas and Western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;
(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;
(10) the Cystic Fibrosis Foundation, Heart of America Chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;
(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;
(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;
(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;
(14) the Dreams Work, Inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;
(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;
(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;
(17) the Dream Factory, Inc., for the purpose of granting the dreams of children with critical and chronic illnesses;
(18) the Ottawa Suzuki Strings, Inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;
(19) the International Association of Lions Clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;
(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American Cancer Society, Inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the Habitat for Humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased
under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may pur-
The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director’s designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pur-
suant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation.

If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto.

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt
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is not operational for five years succeeding the allowance of such exemp-
tion, the total amount of sales tax which would have been payable except
for the operation of this subsection shall be recouped in accordance with
rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales
of materials and services purchased for the original construction, recon-
struction, repair or replacement of grain storage facilities, including railroad
sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and
other related machinery and equipment that is used for the handling, move-
ment or storage of tangible personal property in a warehouse or distribution
facility in this state; all sales of installation, repair and maintenance services
performed on such machinery and equipment; and all sales of repair and
replacement parts for such machinery and equipment. For purposes of this
subsection, a warehouse or distribution facility means a single, fixed lo-
cation that consists of buildings or structures in a contiguous area where
storage or distribution operations are conducted that are separate and apart
from the business’ retail operations, if any, and which do not otherwise
qualify for exemption as occurring at a manufacturing or processing plant
or facility. Material handling and storage equipment shall include aeration,
dust control, cleaning, handling and other such equipment that is used in a
public grain warehouse or other commercial grain storage facility, whether
used for grain handling, grain storage, grain refining or processing, or other
grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by
or on behalf of the Kansas Academy of Science which is exempt from
federal income taxation pursuant to section 501(c)(3) of the federal internal
revenue code of 1986, and used solely by such academy for the preparation,
publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by
or on behalf of all domestic violence shelters that are member agencies of
the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organ-
ization which is exempt from federal income taxation pursuant to section
501(c)(3) of the federal internal revenue code of 1986, and which such
personal property and services are used by any such organization in the
collection, storage and distribution of food products to nonprofit organi-
zations which distribute such food products to persons pursuant to a food
distribution program on a charitable basis without fee or charge, and all
sales of tangible personal property or services purchased by a contractor
for the purpose of constructing, equipping, reconstructing, maintaining, re-
pairing, enlarging, furnishing or remodeling facilities used for the collection
and storage of such food products for any such organization which is ex-
empt from federal income taxation pursuant to section 501(c)(3) of the
federal internal revenue code of 1986, which would be exempt from taxa-
tion under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director’s designee; all sales of dietary supplements dispensed pursuant to a prescrip-
tion order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, ‘‘dietary supplement’’ means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mm) all sales of tangible personal property purchased by or on behalf of the Marillac Center, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nn) all sales of tangible personal property and services purchased by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable Fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by
TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible
personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or sub-
contractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials
purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children’s service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without
the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by Jazz in the Woods, Inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing Jazz in the Woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac Education Foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation.
If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director or the director’s designee:

(yy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or re-
modeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization’s annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by
or on behalf of wayside waifs, inc., which is exempt from federal income
taxation pursuant to section 501(c)(3) of the federal internal revenue code,
for the purpose of providing such organization’s annual fundraiser, an event
whose purpose is to support the care of homeless and abandoned animals,
animal adoption efforts, education programs for children and efforts to re-
duce animal over-population and animal welfare services, and all sales of
any such property, including entry or participation fees or charges, by or
on behalf of such organization for such purpose;

(ddd) all sales of tangible personal property or services purchased by
or on behalf of Goodwill Industries or Easter Seals of Kansas, Inc., both of
which are exempt from federal income taxation pursuant to section
501(c)(3) of the federal internal revenue code, for the purpose of providing
education, training and employment opportunities for people with disabil-
ities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by
or on behalf of All American Beef Battalion, Inc., which is exempt from
federal income taxation pursuant to section 501(c)(3) of the federal internal
revenue code, for the purpose of educating, promoting and participating as
a contact group through the beef cattle industry in order to carry out such
projects that provide support and morale to members of the United States
armed forces and military services; and

(ffff) all sales of tangible personal property and services purchased by
sheltered living, inc., which is exempt from federal income taxation pur-
suant to section 501(c)(3) of the federal internal revenue code of 1986, and
which such property and services are used for the purpose of providing
residential and day services for people with developmental disabilities or
mental retardation, or both, and all sales of any such property by or on
behalf of sheltered living, inc. for any such purpose; and all sales of tangible
personal property or services purchased by a contractor for the purpose of
rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or
remodeling homes and facilities for sheltered living, inc. for any such pur-
pose which would be exempt from taxation under the provisions of this
section if purchased directly by sheltered living, inc. Nothing in this sub-
section shall be deemed to exempt the purchase of any construction ma-
chinery, equipment or tools used in the constructing, maintaining, repairing,
enlarging, furnishing or remodeling such homes and facilities for sheltered
living, inc. When sheltered living, inc. contracts for the purpose of reha-
bilitating, constructing, maintaining, repairing, enlarging, furnishing or re-
modeling such homes and facilities, it shall obtain from the state and furnish
to the contractor an exemption certificate for the project involved, and the
contractor may purchase materials for incorporation in such project. The
contractor shall furnish the number of such certificate to all suppliers from
whom such purchases are made, and such suppliers shall execute invoices
covering the same bearing the number of such certificate. Upon completion
of the project the contractor shall furnish to sheltered living, inc. a sworn
statement, on a form to be provided by the director of taxation, that all 
purchases so made were entitled to exemption under this subsection. All 
invoices shall be held by the contractor for a period of five years and shall 
be subject to audit by the director of taxation. If any materials purchased 
under such a certificate are found not to have been incorporated in the 
building or other project or not to have been returned for credit or the sales 
or compensating tax otherwise imposed upon such materials which will not 
be so incorporated in the building or other project reported and paid by 
such contractor to the director of taxation not later than the 20th day of the 
month following the close of the month in which it shall be determined that 
such materials will not be used for the purpose for which such certificate 
was issued, sheltered living, inc. shall be liable for tax on all materials 
purchased for the project, and upon payment thereof it may recover the 
same from the contractor together with reasonable attorney fees. Any con-
tactor or any agent, employee or subcontractor thereof, who shall use or 
otherwise dispose of any materials purchased under such a certificate for 
any purpose other than that for which such a certificate is issued without 
the payment of the sales or compensating tax otherwise imposed upon such 
materials, shall be guilty of a misdemeanor and, upon conviction therefor, 
shall be subject to the penalties provided for in subsection (g) of K.S.A. 
79-3615, and amendments thereto.

New Sec. 13. Prior to January 1, 2017, the standing committee on as-
essment and taxation of the senate and the standing committee on taxation 
of the house of representatives shall review the income tax credit cost ef-
effectiveness report prepared by the department of revenue as required pur-
suant to K.S.A. 74-99b35, and amendments thereto, and other relevant in-
formation to determine whether the credits provided in K.S.A. 74-50,132 
and subsection (e) of K.S.A. 79-32,160a, and amendments thereto, and the 
exemption provided in subsection (cc) of K.S.A. 79-3606, and amendments 
thereto, shall continue in effect or be repealed.

50,109, 74-50,110, 79-32,160a, 79-32,206 and 79-3606 are hereby re-
pealed.

Sec. 15. On January 1, 2012, K.S.A. 2010 Supp. 74-50,151 and 74-
50,152 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its 
publication in the statute book.

Approved May 26, 2011.
AN ACT concerning bingo games; relating to the operation thereof and prizes awarded; amending K.S.A. 2010 Supp. 79-4701 and 79-4706 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 79-4701 is hereby amended to read as follows: 79-4701. As used in this act:

(a) “Act” means the bingo act.

(b) “Administrator” means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2010 Supp. 79-4717, and amendments thereto.

(c) “Bingo” or “games of bingo” means the games of call bingo and instant bingo.

(d) “Bingo card” or “card” means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word “free.” No two cards in the same game shall be identical.

(e) “Bingo face” or “face” means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word “free.” No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.

(f) “Call bingo” means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.

“Call bingo” shall include any regular, special, mini and progressive game of bingo.

“Call bingo” shall not include any game utilizing an electronic or computerized card system.

(g) “Department” means the department of revenue.

(h) “Director” means the director of taxation.
(i) “Distributor” means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.

(j) “Instant bingo” means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; (4) which is conducted by a licensee under this act; (5) the conduct of which must be in the presence of the players; and (6) which does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines. Winners of instant bingo shall be determined either: (1) By a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets or; (2) by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or symbol in a designated call game of bingo during the same session; or (3) by matching a letter, number or symbol under a tab of an instant bingo ticket with one or more letters, numbers or symbols announced in, or as a continuation of, a designated call game of bingo during the same session.

“Instant bingo” shall not include any game utilizing electronically generated or computer-generated tickets.

(k) “Lessor” means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo, whether or not a written lease has been entered into and submitted to the administrator as required in subsection (c) of K.S.A. 79-4703, and amendments thereto, and includes all political subdivisions and other public agencies.

(l) “Licensee” means any nonprofit organization holding a license to manage, operate or conduct games of bingo pursuant to K.S.A. 79-4701 et seq., and amendments thereto.

(m) “Mini bingo” means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game, but not more than $50.

(n) “Net proceeds” means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo and any admission fees or charges less amounts actually paid as prizes in games of bingo and any tax payable by the licensee.

(o) “Nonprofit religious organization” means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this
state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the administrator to be organized and created as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

(p) "Nonprofit charitable organization" means any organization which is organized and operated for:

(1) The relief of poverty, distress, or other condition of public concern within this state; or

(2) for financially supporting the activities of a charitable organization as defined in paragraph (1); or

(3) for conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.

(q) "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.

(r) "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.

(s) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge, or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society
of such a nonprofit veterans' organization the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans’ organization by the administrator.

(i) “Person” means any natural person, corporation, partnership, trust or association.

(u) “Premises” means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.

(v) “Progressive bingo” means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player’s opportunity to win shall increase as the prize amount increases.

(w) “Regular game of bingo” means any game of bingo which is subject to the 25 game limit, and $50 prize limit and the $1 charge limit imposed under subsections (g), (h) and (i) of K.S.A. 79-4706, and amendments thereto.

(x) “Secretary” means the secretary of revenue or the secretary’s designee.

(y) “Session” means a day on which a licensee conducts games of bingo.

Sec. 2. K.S.A. 2010 Supp. 79-4706 is hereby amended to read as follows: 79-4706. Games of bingo shall be managed, operated and conducted in accordance with the bingo act and rules and regulations adopted pursuant thereto and the following restrictions:

(a) The entire gross receipts received by any licensee from the operation or conduct of games of bingo, except that portion utilized for the payment of the cost of prizes and license fees and taxes on games of bingo imposed under the provisions of this act, shall be used exclusively for the lawful purposes of the licensee permitted to conduct that game.

(b) Games of bingo managed, conducted or operated by a licensee, shall be managed, conducted or operated only by a bona fide member or spouse of a bona fide member of the licensee or parent organization or an auxiliary unit or society of such licensee or of the beneficiary organization. During
each session of bingo there must be at least one member of the licensee organization on duty and assisting with the game. Such member must be listed with the office of charitable gaming.

(c) No lessor, employee of such lessor or employee, officer or shareholder of a for profit corporation which is the lessor shall play any game of bingo or participate in any drawing on premises leased by any such lessor nor shall such person be responsible for or assist in the management, operation or conduct of any game of bingo or drawing on such premises.

(d) No person may participate in the management, conduct or operation of bingo games by a licensee if such person, within five years prior to such participation, has been convicted of or pleaded guilty or nolo contendere to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity.

(e) No person may receive any remuneration or profit for participating in the management, conduct or operation of any game of bingo managed, conducted or operated by a licensee. Food offered in the course of a volunteer duty shift and consumed on the premises shall not be considered remuneration, provided the retail value of such food offered does not exceed $10 per volunteer.

(f) The aggregate value of all prizes including the retail value of all merchandise awarded or offered by a licensee in a single session to winners of games of regular and special call bingo shall not exceed $1,200. The value of a prize awarded in a progressive or mini bingo game shall not be included when determining the limit imposed by this subsection. Any monetary prize of $500 or more awarded in games of bingo shall be paid by a check drawn on the bingo trust bank account of the licensee. Any monetary prize awarded in games of bingo shall be paid by a check on the bingo trust bank account of the licensee upon the request of the winner of such award.

(g) The total number of regular, special and progressive call bingo games managed, operated or conducted by any licensee in any session shall not exceed 25 and not more than five of such games shall be special games. Not more than one licensee may conduct bingo games at a given location or registered premises in any one session.

(h) The prize awarded by a licensee in any one regular call bingo game shall not exceed $50. The prize in any one special call bingo game shall not exceed $500.

(i) The retail value of any merchandise received by a winner of a bingo game shall be considered as the cash value for the purposes of determining the value of the prize.

(j) The charge made by a licensee for a bingo card or equivalent number of bingo faces to play in regular bingo games in any one session shall not exceed $1. Such bingo card or equivalent number of bingo faces shall be valid for all such regular bingo games conducted or operated by the licensee in any one session. The charge made by a licensee for a single bingo card or bingo face to play in any single, mini or progressive special game shall
The charge made by a licensee for a single instant bingo ticket shall not exceed $1.

(k) Games of bingo shall not be managed, operated or conducted by any licensee on more than two calendar days in any one week.

(l) All licenses issued under the provisions of this act shall be issued in the name of the organization licensed.

(m) Each licensee shall keep a record of all games of bingo managed, operated or conducted by it for a period of three years following the date the game is managed, operated or conducted.

(n) No person under the age of 18 years shall participate in the management, operation or conduct of any game of bingo managed, operated or conducted by a licensee under the provisions of this act and no licensee shall sell any instant bingo ticket to a person under the age of 18 years.

(o) A lessor of premises used for the management, operation or conduct of games of bingo or a licensee may not advertise games of bingo except to the extent and in the manner prescribed by the rules and regulations adopted pursuant to the bingo act. Any advertisement of any game of bingo by or on behalf of such lessor or licensee shall specify the organization which is managing, operating or conducting such game. The announcement of the cancellation of a game of bingo shall not be considered to be an advertisement.

(p) (1) Except as provided by paragraph (2) of this subsection, no game of chance or contest where a prize is awarded, other than games of bingo, shall be conducted on any premises where licensees are conducting games of bingo, where the intent of such game of chance or contest is to induce participation in such games of bingo.

(2) One drawing during a session may be conducted by the licensee or the lessor of the premises. Only a nonmonetary prize having a value not exceeding $25 shall be awarded to the winner of such drawing. There shall be no charge for participation in such drawing. There shall be no requirement to purchase anything of value in order to participate in such drawing. No more than four of such drawings shall be conducted by each licensee or lessor during any calendar year.

(q) No licensee shall manage, operate or conduct bingo on any leased premises or with leased equipment unless all of the terms and conditions of rental or use, including the rental of chairs, bingo equipment, tables, security guards, janitor service or any other services, are set forth in a lease submitted, approved and on file with the administrator.

(r) No premises shall be used for the management, operation or conduct of games of bingo by licensees on more than three calendar days in any one week.

(s) No premises shall be subdivided to provide multiple premises where games of bingo are managed, operated or conducted by licensees, whether or not the multiple premises have different addresses.

(t) No game of bingo shall be managed, operated or conducted by li-
licensees on leased premises if at any time during the immediately preceding
44 hours the premises, or any leased premises within 1,000 feet of them,
have been used for the management, operation or conduct of a game of
bingo.

(u) Every licensee who has gross receipts of $1,000 or more received
from participation in games, admission fees or charges and from any other
source directly related to the operation or conduct of any games of bingo
in any calendar month shall maintain a bingo trust bank account into which
all such receipts are deposited daily and from which all payments are made
relating to the management, operation or conduct of any games of bingo,
except payment of prizes of less than $200. Having once established such
bingo trust bank account, the licensee shall continue to make deposits of
all receipts therein. Every licensee shall notify the administrator of the name
of the bank in which the bingo trust bank account is maintained, together
with the number and name of the account. Every licensee who maintains a
bingo trust bank account shall maintain a complete record of all deposits
and withdrawals from such bank account and the same shall be available
to the administrator to audit at any reasonable time.

The records required under this subsection are in addition to all other
records required to be kept by the licensee. The records required by this
subsection shall be maintained in the same place as all other records re-
quired to be kept by the licensee.

(v) No instant bingo ticket shall be sold by a licensee more than one
hour two hours prior to the start of the first regular or special game of call
bingo of a session or one hour after the termination of the last game of call
bingo operated or conducted by the licensee for such session.

(w) No licensee shall purchase or obtain bingo faces or instant bingo
tickets from any person or entity other than a distributor registered pursuant
to K.S.A. 79-4712a, and amendments thereto.

(x) All instant bingo tickets sold or distributed to licensees shall bear
on the face thereof a unique serial number which shall not be repeated on
the same manufacturer’s form number less than every three years. All in-
stant bingo tickets shall be sold or distributed in boxes. Each box shall be
sealed by the manufacturer with a seal which includes a warning to the
purchaser that the box may have been tampered with if the box was received
by the purchaser with the seal broken. Each box of instant bingo tickets
shall contain tickets printed in such a manner as to insure that at least 60%
of the gross revenues generated by the ultimate sale of all tickets from such
box shall be returned to the final purchasers of such tickets. No box of
instant bingo tickets may be opened by a licensee unless all tickets con-
tained in a previously opened box with the same form number have been
sold.

(y) Each box of instant bingo tickets sold or distributed to licensees
shall be accompanied by a flare which contains the following information:
(1) The name of the game; (2) the manufacturer’s name or logo; (3) the
game form number; (4) the ticket count in the game; (5) the prize structure for the game, which includes the number of winning tickets by denomination and their respective winning symbol or number combinations; (6) the cost per ticket; (7) the game serial number; (8) the winning numbers or symbols for the top three winning tiers set out in such a manner that each prize may be marked off as the prize is won and awarded; (9) the business name of the distributor; and (10) if sold or distributed to a licensee under the bingo act, the Kansas bingo license number of the licensee to which the game is sold.

(z) (1) No progressive game may exceed 20 consecutive sessions conducted by a licensee prior to the awarding of the established prize.

(2) No more than two progressive bingo games may be conducted in any one session.

(3) A prize for a progressive game may start at an amount not to exceed $250 and may be increased by no more than $100 for each session during which the progressive game is continued. The prize awarded at the end of any progressive game shall not exceed $1,000.

(4) If the progressive bingo game prize is not awarded at a bingo session, the progressive bingo game shall be continued at a future occasion until such time a winner is determined. The winning prize shall be the full amount. If there is no winner of a progressive bingo game at a session, a stated consolation prize in an amount not to exceed $250 may be awarded. Any consolation prize shall be less than the value of the progressive bingo game prize amount.

(5) All progressive bingo games and rules for such games shall be described fully and posted in the house rules prior to the start of the session. Such games shall comply with requirements imposed under the bingo act and any rules and regulations adopted pursuant thereto.

(6) When a person achieves the first preannounced winning combination, the game shall be completed and the next progressive bingo game and winning combination shall be commenced with a new bingo card or face and all objects or balls in the receptacle.

(7) The rules for a progressive bingo game shall remain in effect until the game ends and the winner is determined.

(8) Progressive bingo games may not be conducted in conjunction with a session of bingo conducted at a location other than that specified in the license as authorized by subsection (c) of 79-4703, and amendments thereto.

(9) A licensee shall not cease bingo operations unless all progressive bingo games are completed and prizes are awarded, unless prior approval has been received from the secretary.

(aa) Except as specifically provided by rules and regulations adopted pursuant to the bingo act, the distribution, sale or use of bingo cards is prohibited from and after July 1, 2003, and thereafter, only bingo faces shall be distributed, sold or used in call bingo games operated and conducted by licensees.
(bb) Only three games of instant bingo, in which the winner or winners of such game is determined by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or symbol in a designated call game of bingo during the same session shall be, which may be played in any one session. There shall be no limit on the number of instant bingo tickets which may be sold for participation in any such game of instant bingo.

(cc) The total number of mini games of bingo managed, operated or conducted by a licensee during a session shall not exceed 20 games. No mini bingo game shall be conducted by a licensee more than one hour two hours prior to the first regular or special game of call bingo operated or conducted by the licensee for such session, or one hour after the commencement termination of, the first last regular or special game of call bingo operated or conducted by the licensee for such session.

Sec. 3. K.S.A. 2010 Supp. 79-4701 and 79-4706 are hereby repealed.

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

Approved May 27, 2011.
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| \[Ch. 118 2011 Session Laws of Kansas 1891\]

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

Section 1. (a) For the fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2011 and shall constitute the omnibus reconciliation spending limit bill for the 2011 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702, and amendments thereto.

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

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458, and amendments thereto, to the following claimants:

AGCO Corporation
PO Box 4000
Hesston, KS 67062 ........................................................................ $7,801.70

America Jet
2010 Rogers Ct
Salina, KS 67401 ........................................................................... $218.16

Armstrong, Harold
8920 Parallel Rd
Frankfort, KS 66427 ....................................................................... $81.00

Bailey, Leland E
4747 NW 86th St
Topeka, KS 66618 ......................................................................... $125.16

Barton County Highway Dept
PO Box 518
Great Bend, KS 67530 ................................................................. $360.58
Boden, Ignatz  
958 Hwy 128  
Mankato, KS 66956 ............................................... $530.93

Bretton, Darrell  
2037 E 1300 Rd  
Kensington, KS 66951 ............................................... $78.36

Buller, Elizabeth  
328 Rd 370  
Council Grove, KS 66846 .......................................... $182.52

Carter, Calvin  
1072 Road 26  
Sedan, KS 67361 ................................................... $57.00

City of Concordia  
701 Washington  
Concordia, KS 66901 ............................................. $3,030.79

City of Eldorado  
PO Box 792  
El Dorado, KS 67042 .............................................. $957.29

Decatur County Feed Yard LLC  
2361 Hwy 83  
Oberlin, KS 67749 ................................................ $218.59

Dreier, Robert A  
3328 W Dutch Ave  
Hesston, KS 67062 ................................................ $42.60

Elliott, Blake  
787 Paint Rd  
Hope, KS 67451 .................................................... $613.22

Ford County Feed Yard Inc  
12466 US Hwy 400  
Ford, KS 67842 .................................................... $380.16

Frazee, Dennis R  
2325 US Hwy 36  
Sabetha, KS 66534 ................................................ $43.32

Gering, Martin F  
1729 Rawlins Rd  
Atchison, KS 66002 .............................................. $33.00

Hambelton, Paul  
14619 Edgerton Rd  
Gardner, KS 66030 ................................................ $45.72

J & G Inc  
10200 E Road 170  
Scott City, KS 67871 ............................................. $122.76
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<tr>
<th>Name</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jirak Farms Inc</td>
<td>1476 320th, Tampa, KS 67483</td>
<td>$33.00</td>
</tr>
<tr>
<td>Kinsley Country Club</td>
<td>510 E 7th, Kinsley, KS 67547</td>
<td>$21.24</td>
</tr>
<tr>
<td>Marlatt Construction Co Inc</td>
<td>17588 274th Rd, Atchison, KS 66002</td>
<td>$1,150.11</td>
</tr>
<tr>
<td>Meisinger, Richard</td>
<td>1522 260th, Marion, KS 66861</td>
<td>$102.36</td>
</tr>
<tr>
<td>Norton Co Road &amp; Bridge Dept</td>
<td>15590 Washington Rd, Norton, KS 67654</td>
<td>$11,264.76</td>
</tr>
<tr>
<td>Peterson Farms &amp; Livestock Inc</td>
<td>10729 S Simpson Rd, Assaria, KS 67416</td>
<td>$138.10</td>
</tr>
<tr>
<td>Preston, Fred</td>
<td>PO Box 353, Howard, KS 67349</td>
<td>$45.00</td>
</tr>
<tr>
<td>Rau Farms Partnership</td>
<td>13901 E 47th S, Derby, KS 67037</td>
<td>$19.56</td>
</tr>
<tr>
<td>Solomon Corp</td>
<td>PO Box 245, Solomon, KS 67480</td>
<td>$243.00</td>
</tr>
<tr>
<td>Talkington, Phyllis</td>
<td>423 A R Road, Matfield Green, KS 66862</td>
<td>$86.04</td>
</tr>
<tr>
<td>Troyer, Neal L</td>
<td>1577 40th Rd, Yates Center, KS 66783</td>
<td>$128.76</td>
</tr>
<tr>
<td>True, Lynn M</td>
<td>120 West 3rd St, Smith Center, KS 66967</td>
<td>$335.88</td>
</tr>
<tr>
<td>TWB Inc</td>
<td>922 Crazy Horse Rd, Hutchinson, KS 67502</td>
<td>$602.21</td>
</tr>
<tr>
<td>USD 231 Gardner Edgerton</td>
<td>PO Box 97, Gardner, KS 66030</td>
<td>$3,935.11</td>
</tr>
</tbody>
</table>
Sec. 3. (a) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility—facilities operations account of the state general fund for property loss of a television set, to the following claimant:

Sherman L. Galloway #34138
PO Box 2
Lansing, KS 66043 ............................................................ $108.00

(b) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado facility—facilities operations account of the state general fund for audiocassettes lost by staff, to the following claimant:

Nasif Gadelkarim #48278
PO Box 1568
Hutchinson, KS 67504 .................................................... $130.00

(c) The department of corrections is hereby authorized and directed to pay the following amount from the Winfield facility—facilities operations account of the state general fund for damage to a television set, to the following claimant:

Eugene Jackson #66395
PO Box 311
El Dorado, KS 67042 .................................................... $80.68

(d) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing facility—facilities operations account of the state general fund for a pair of boots lost while in the custody of staff, to the following claimant:

Joseph Carlos Jones #59134
PO Box 2
Lansing, KS 66043 ........................................................ $59.90

(e) The department of corrections is hereby authorized and directed to pay the following amount from the Larned correctional mental health facility—facilities operations account of the state general fund for a pair of sweat shorts lost while in the custody of staff, to the following claimant:

Jorge Jovel #85033
LCMHF
1318 Ks Hwy 264
Larned, KS 67550 ........................................................ $7.77
(f) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility—facilities operations account of the state general fund for a picture destroyed by staff, to the following claimant:  
Austin T. Mason #80464  
PO Box 2  
Lansing, KS 66043 ........................................................  $18.00

(g) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility—facilities operations account of the state general fund for lost property while in the custody of staff, to the following claimant:  
Michael P O’Neill #81296  
PO Box 2  
Lansing, KS 66043 .........................................................  $18.23

(h) The department of corrections is hereby authorized and directed to pay the following amount from the Norton correctional facility—facilities operations account of the state general fund for magazines confiscated by staff, to the following claimant:  
Micky Don Owens #94516  
PO Box 546  
Norton, KS 67654 ..........................................................  $6.00

(i) The department of corrections is hereby authorized and directed to pay the following amount from the Winfield correctional facility—facilities operations account of the state general fund for lost property in the custody of staff, to the following claimant:  
Adrian M. Requena #48877  
PO Box 1568  
Hutchinson, KS 67504 ....................................................  $24.19

(j) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility—facilities operations account of the state general fund for a radio lost while in the custody of staff, to the following claimant:  
Antonio Toro #91574  
PO Box 2  
Lansing, KS 66043 .........................................................  $13.50

Sec. 4. The Kansas department of wildlife and parks is hereby authorized and directed to pay the following amount from the wildlife fee fund for bobcat skins damaged while in the custody of the department, to the following claimant:  
Dan Barrow  
Dan Barrow Trading Co. Inc.  
204 Central Ave  
PO Box 93  
Denison, KS 66419 ........................................................ $5,280.00
Sec. 5. (a) The Kansas highway patrol is hereby authorized and directed
to pay the following amount from the Kansas highway patrol operations
fund for payment of medical expenses of a prisoner in custody, to the
following claimant:
Kansas University Physicians Inc
c/o E. Lou Bjorgaard Probasco
Attorney and Agent
615 SW Topeka Blvd
Topeka, KS 66603 ....................................................... $12,477.14

(b) The Kansas highway patrol is hereby authorized and directed to pay
the following amount from the Kansas highway patrol operations fund for
payment of medical expenses of two prisoners in custody, to the following
claimant:
University of Kansas Hospital Authority
c/o E. Lou Bjorgaard Probasco
Attorney and Agent
615 SW Topeka Blvd
Topeka, KS 66603 ....................................................... $112,938.90

Sec. 6. The department of revenue is hereby authorized and directed to
pay the following amount from the sales tax refund fund for reimbursement
of the overpayment of sales taxes from 2007 through mid 2010, to the
following claimant:
Saunge, Inc
PO Box 553
Inman, KS 67546 ....................................................... $7,064.10

Sec. 7. The department of health and environment is hereby authorized
and directed to pay the following amount from the underground petroleum
storage tank release trust fund for reimbursement of expenses incurred for
tests required by the department on a gasoline storage tank, to the following
claimant:
Marlin Carson
66 Food Mart, Inc
733 Village Court
Girard, KS 66743 ....................................................... $2,694.00

Sec. 8. The university of Kansas is hereby authorized and directed to
pay the following amount from the general fees fund for reimbursement of
overpayment of tuition due to an error in the determination of the residency
status of a student, to the following claimant:
Fred H. Fishman
3006 Wildwood Court
North Newton, KS 67117 ................................................ $12,302.40

Sec. 9. (a) Except as otherwise provided by sections 2 through 8, the
director of accounts and reports is hereby authorized and directed to draw
warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 through 8, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 10.
ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

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

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meth lab cleanup</td>
<td>$150,000</td>
</tr>
</tbody>
</table>

Provided, That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

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

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project safe neighborhoods fund</td>
<td>$114,408</td>
</tr>
<tr>
<td>Social security administration reimbursement—federal fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Sec. 11.

ABSTRACTERS’ BOARD OF EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the abstracters’ fee fund of the abstracters’ board of examiners is hereby decreased from $24,088 to $23,419.

Sec. 12.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the governmental ethics commission fee fund of the governmental ethics commission is hereby decreased from $291,764 to $263,176.
Sec. 13. KANSAS HOME INSPECTORS REGISTRATION BOARD
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 11(b) of chapter 165 of the 2010 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from $35,750 to $16,800.

Sec. 14. BOARD OF NURSING
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the board of nursing fee fund of the board of nursing is hereby increased from $1,904,365 to $1,952,425.

Sec. 15. STATE BOARD OF PHARMACY
(a) On the effective date of this act, there is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harold Rogers prescription federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>NASPER grant federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Non-federal gifts and grants fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Provided, That the state board of pharmacy is authorized to apply for and to accept grants and may accept donations, bequests or gifts from any non-federal source: Provided, however, That all moneys received for such grants, donations, bequests or gifts shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: Provided further, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: And provided further, That all expenditures from this fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $150,000 from the state board of pharmacy fee fund to the state board of pharmacy litigation fund.

Sec. 16. KANSAS REAL ESTATE COMMISSION
(a) On the effective date of this act, the expenditure limitation estab-
lished for the fiscal year ending June 30, 2011, by the state finance council on the real estate fee fund of the Kansas real estate commission is hereby decreased from $1,123,206 to $1,028,342.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $200,000 from the real estate recovery revolving fund to the real estate fee fund.

Sec. 17
OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 17-12a601, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $800,000 from the investor education fund of the office of the securities commissioner of Kansas to the state general fund: Provided, That the transfer of such amount shall be in addition to any other transfer from the investor education fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the investor education fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the office of the securities commissioner of Kansas by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 18
STATE BOARD OF TECHNICAL PROFESSIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the technical professions fee fund of the state board of technical professions is hereby increased from $589,122 to $609,122.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 25(a) of chapter 124 of the 2009 Session Laws of Kansas on expenditures for official hospitality from the technical professions fee fund of the state board of technical professions is hereby increased from $500 to $1,000.

Sec. 19
STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 16(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby decreased from $268,382 to $265,522.

Sec. 20.
KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, or as soon thereafter as moneys
are available, the director of accounts and reports shall transfer $4,350,937 from the Kansas endowment for youth fund to the children’s initiatives fund.

Sec. 21.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) In addition to the other purposes for which expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for the office of administrative hearings as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for official hospitality: Provided, That expenditures from the administrative hearings office fund for fiscal year 2011 for official hospitality shall not exceed $100.

Sec. 22.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the $307,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 67(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the strong military bases program account, the sum of $61,410 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 67(b) of chapter 165 of the 2010 Session Laws of Kansas on the state affordable airfare fund of the department of commerce is hereby increased from $5,000,000 to $5,125,000.

(c) On the effective date of this act, the amount directed by section 67(e) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on December 15, 2010, or as soon thereafter as moneys are available, is hereby decreased from $625,000 to $232,482: Provided, That, on the effective date of this act, any moneys transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on or after December 15, 2010, pursuant to section 67(e) of chapter 165 of the 2010 Session Laws of Kansas, shall be transferred from the Kansas economic opportunity initiatives fund of the department of commerce to the state economic development initiatives fund by the director of accounts and reports.

Sec. 23.

CITIZENS’ UTILITY RATEPAYER BOARD

(a) (1) On and after the effective date of this act, notwithstanding the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of
Kansas or any other statute, no expenditures shall be made for fiscal year 2011 from the utility regulatory fee fund by the citizens’ utility ratepayer board of the amount equal to the final aggregate amount of unexpended and unencumbered expenditure authority for fiscal year 2010, pursuant to and as authorized for expenditure for fiscal year 2011 as provided by section 47(c) of chapter 124 of the 2009 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(2) On and after the effective date of this act, during the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the citizens’ utility ratepayer board from the utility regulatory fee fund for fiscal year 2011 as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, if the total expenditures authorized to be expended on contracts for professional services by the citizens’ utility ratepayer board by the expenditure limitation prescribed by section 47(a) of chapter 124 of the 2009 Session Laws of Kansas are not expended or encumbered for fiscal year 2010, then the amount equal to the amount of such expenditure authority for fiscal year 2010 remaining may be expended from the utility regulatory fee fund for fiscal year 2011 pursuant to contracts for professional services and any such expenditure for fiscal year 2011 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2011.

Sec. 24.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, the aggregate expenditure limitation established for the fiscal year ending June 30, 2011, by section 59(b) of chapter 165 of the 2010 Session Laws of Kansas on expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund, in the aggregate, is hereby increased from $16,468,621 to $16,628,381.

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

Compressed air energy storage fee fund.......................... No limit
ARRA state electricity regulators assistance—federal fund.................................................. .......... No limit

(c) On the effective date of this act, the base state registration clearing fund of the state corporation commission is hereby redesignated as the
unified carrier registration clearing fund of the state corporation commission, in accordance with K.S.A. 66-1,139a, and amendments thereto.

(d) On the effective date of this act, the pipeline damage prevention grant program—federal fund of the state corporation commission is hereby redesignated as the one call—federal fund.

Sec. 25.  KANSAS, INC.

(a) On the effective date of this act, of the $346,904 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 68(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of $88,756 is hereby lapsed.

Sec. 26.  KANSAS TECHNOLOGY ENTERPRISE CORPORATION

Sec. 27.  KANSAS LOTTERY

(a) On the effective date of this act, of the $346,904 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 65(b) of chapter 165 of the 2010 Session Laws of Kansas from the state gaming revenues fund during the fiscal year ending June 30, 2011, is hereby decreased from $70,400,000 to $68,800,000.

Sec. 28.  KANSAS RACING AND GAMING COMMISSION

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

<table>
<thead>
<tr>
<th>Fund</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal gambling enforcement fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Provided, That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory activities, including, but not limited to, (1) conducting investigations of illegal gambling operations or activities, (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations, and (3) acquiring information or making contacts leading to illegal gambling activities: Provided, however, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and
amendments thereto, and shall be credited to the illegal gambling enforcement fund.  

(b) On the effective date of this act, the director of accounts and reports shall transfer $5,000 from the state racing fund of the Kansas racing and gaming commission to the illegal gambling enforcement fund of the Kansas racing and gaming commission.  

(c) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing reimbursable expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.  

(d) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing investigative expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.  

(e) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse fair racing benefit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.  

(f) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing applicant deposit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.  

(g) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse purse fund to the Kansas horse breeding development fund. On June 30, 2011, all liabilities of the horse purse fund are hereby transferred to and imposed on the Kansas horse breeding development fund and the horse purse fund is hereby abolished.  

(h) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the gaming machine examination fund to the expanded lottery act regulation fund. On June 30, 2011, all liabilities of the gaming machine examination fund are hereby transferred to and imposed on the expanded lottery act regulation fund and the gaming machine examination fund is hereby abolished.

Sec. 29.  

DEPARTMENT OF REVENUE  

(a) On the effective date of this act, the director of accounts and reports shall transfer $124,265 from the Kansas qualified biodiesel fuel producer incentive fund of the department of revenue to the state economic development initiatives fund.

Sec. 30.  

SECRETARY OF STATE  

(a) On the effective date of this act, the director of accounts and reports shall transfer $82,010 from the HAVA ELVIS fund of the secretary of state to the democracy fund of the secretary of state to provide matching funds.
to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Sec. 31.

STATE TREASURER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas postsecondary education savings program trust fund of the state treasurer is hereby increased from $265,000 to no limit.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas postsecondary education savings expense fund of the state treasurer is hereby increased from $346,043 to no limit.

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

Learjet bond fund................................................................. No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the learjet bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the learjet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.*

Siemens bond fund................................................................. No limit
Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research:

Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Legislative Coordinating Council

(a) On the effective date of this act, of the $727,436 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative coordinating council—operations account, the sum of $20 is hereby lapsed.

(b) On the effective date of this act, of the $3,215,664 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the office of revisor of statutes—operations account, the sum of $2,425 is hereby lapsed.

(c) On the effective date of this act, of the $3,684,673 appropriated for the above agency for the fiscal year ending June 30, 2011 by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative research department—operations account, the sum of $12,223 is hereby lapsed.
Sec. 33.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the $2,136,995 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 46(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account, the sum of $4,413 is hereby lapsed.

Sec. 34.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Other medical assistance ........................................ $5,444,990
Community based services..................................... $4,263,900
Mental health and retardation services aid and assistance ... $5,350,166
Youth services aid and assistance............................. $4,413,425

(b) On the effective date of this act, of the $541,802 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the children’s cabinet accountability fund account, the sum of $250,000 is hereby lapsed.

(c) On the effective date of this act, of the $5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the family centered system of care account, the sum of $150,000 is hereby lapsed.

(d) On the effective date of this act, of the $1,400,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the child care account, the sum of $163 is hereby lapsed.

(e) On the effective date of this act, of the $8,443,161 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the children’s cabinet early childhood discretionary grant program account, the sum of $251,003 is hereby lapsed.

(f) On the effective date of this act, of the $3,452,779 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the early headstart account, the sum of $306 is hereby lapsed.

(g) On the effective date of this act, of the $11,099,830 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the early childhood block grant account, the sum of $1,062,207 is hereby lapsed.
(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 77(b) of chapter 165 of the 2010 Session Laws of Kansas on the social welfare fund of the department of social and rehabilitation services is hereby decreased from $39,303,198 to $39,186,535.

(i) On the effective date of this act, of the $3,822,570 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service—new state security hospital account, the sum of $839,561 is hereby lapsed.

(j) On the effective date of this act, of the $2,584,371 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service—state hospitals rehabilitation and repair account, the sum of $7,161 is hereby lapsed.

(k) On the effective date of this act, of the $14,342,009 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Osawatomie state hospital—operating expenditures account, the sum of $500,000 is hereby lapsed.

(l) On the effective date of this act, of the $4,524,298 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Rainbow mental health facility—operating expenditures account, the sum of $250,000 is hereby lapsed.

(m) On the effective date of this act, of the $10,447,821 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center—operating expenditures account, the sum of $63,618 is hereby lapsed.

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

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy conservation improvement debt service</td>
<td>$63,618</td>
</tr>
</tbody>
</table>

Sec. 35.

DEPARTMENT ON AGING

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

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>LTC-medicaid assistance—TCM/FE</td>
<td>$25,169</td>
</tr>
<tr>
<td>LTC-medicaid assistance—HCBS/FE</td>
<td>$2,263,079</td>
</tr>
<tr>
<td>LTC-medicaid assistance—NF</td>
<td>$10,142,156</td>
</tr>
</tbody>
</table>

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 75(b) of chapter 165 of the 2010 Session Laws of Kansas on the state licensure fee fund of
the department on aging is hereby decreased from $1,144,569 to $1,115,927.

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

Health policy nursing facility quality care fund ................ $19,501,789

Provided, That the secretary of aging, acting as the agent of the Kansas health policy authority, is hereby authorized to collect the quality care assessment under K.S.A. 2010 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2010 Supp. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the health policy nursing facility quality care fund: Provided further, That all moneys in the health policy nursing facility quality care fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 2010 Supp 75-7435, and amendments thereto.

Sec. 36.

KANSAS HEALTH POLICY AUTHORITY

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

Other medical assistance .......................................................... $30,526,618

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the medical programs fee fund of the Kansas health policy authority is hereby increased from $54,284,610 to $54,480,402.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the other state fees fund of the Kansas health policy authority is hereby increased from $0 to $502,180.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the health care access improvement fund of the Kansas health policy authority is hereby decreased from $37,390,236 to $34,700,000.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the preventive health care program fund of the Kansas health policy authority is hereby increased from $519,240 to $656,100.
(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 17(b) of chapter 165 of the 2010 Session Laws of Kansas on the health committee insurance fund of the Kansas health policy authority is hereby increased from $248,575 to $290,117.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the state workers compensation self-insurance fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from $3,724,910 to $3,785,193: Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the state workers compensation self-insurance fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the state workers compensation self-insurance fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the cafeteria benefits fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from $2,324,247 to $2,324,908: Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the cafeteria benefits fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the cafeteria benefits fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the dependent care assistance program fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from $226,327 to $429,628: Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the dependent care assistance program fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the dependent care assistance program fund to convert and appoint persons performing contractual
services for the Kansas health policy authority to be state employees of the
Kansas health policy authority.

(j) There is appropriated for the above agency from the following special
revenue fund for the fiscal year ending June 30, 2011, all moneys now
or hereafter lawfully credited to and available in such fund, except that
expenditures other than refunds authorized by law shall not exceed the
following:
Quality care fund ................................................... $0

Sec. 37.

DEPARTMENT OF HEALTH AND ENVIRONMENT —
DIVISION OF HEALTH

(a) There is appropriated for the above agency from the following special
revenue fund or funds for the fiscal year ending June 30, 2011, all
moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures other than refunds authorized by law shall
not exceed the following:
Maternity centers and child care facilities licensing fee
fund ................................................................. No limit
(b) There is hereby appropriated for the above agency from the state
general fund for the fiscal year ending June 30, 2011, the following:
Teen pregnancy prevention activities ......................... $100,000
Pregnancy maintenance initiative ......................... $100,000

Sec. 38.

DEPARTMENT OF HEALTH AND ENVIRONMENT —
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the following special
revenue fund or funds for the fiscal year ending June 30, 2011, all
moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures other than refunds authorized by law shall
not exceed the following:
Healthy watershed initiative—federal fund .................. No limit

Sec. 39.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2011, the following:
Scratch lotto—veteran services ............................... $2,972
Veterans claim assistance program—service grants ....... $22,894

(b) On the effective date of this act, of the $457,394 appropriated for
the above agency for the fiscal year ending June 30, 2011, by section 72(a)
of chapter 165 of the 2010 Session Laws of Kansas from the state general
fund in the operating expenditures—administration account, the sum of
$15,241 is hereby lapsed.
(c) On the effective date of this act, of the $1,173,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures—veteran services account, the sum of $26,050 is hereby lapsed.

(d) In addition to the other purposes for which expenditures may be made by the Kansas commission on veterans affairs from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 for the Kansas commission on veterans affairs as authorized by section 72 of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas commission on veterans affairs from the state general fund or any special revenue fund or funds for fiscal year 2010 or fiscal year 2011 for medicare billing software: Provided, That the aggregate amount of such expenditures for fiscal year 2011 for medicare billing software shall not exceed $20,000.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the soldiers’ home medicare fund of the Kansas commission on veterans affairs is hereby increased from $288,000 to no limit.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the soldiers’ home medicaid fund of the Kansas commission on veterans affairs is hereby increased from $270,000 to no limit.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterans’ home medicare fund of the Kansas commission on veterans affairs is hereby increased from $188,000 to no limit.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterans’ home medicaid fund of the Kansas commission on veterans affairs is hereby increased from $360,000 to no limit.

Sec. 40.

DEPARTMENT OF EDUCATION

(a)(1) During the fiscal year ending June 30, 2011, on or before June 1, 2011, the commissioner of education, the director of legislative research and the director of the budget shall jointly determine the amount of moneys that are required to satisfy the maintenance of state financial support provisions of the federal individuals with disabilities education act, as amended, for the fiscal year ending June 30, 2011, based on recent estimates
and other available information pertaining thereto, and shall jointly certify the amount so determined to the director of accounts and reports.

(2) On June 1, 2011, if the amount certified by joint certification pursuant to subsection (a)(1) is more than $21,240,000, the director of accounts and reports shall determine the difference between $21,240,000 and the amount so certified and, on June 1, 2011, shall transfer the amount of such difference from the KPERS—employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency.

(3)(A) On June 3, 2011, of the $291,602,545 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the KPERS—employer contributions account, the sum determined by the director of accounts and reports as prescribed in subsection (a)(3)(B) is hereby lapsed.

(B) On or before June 3, 2011, the director of accounts and reports shall determine the sum equal to $69,201,035 reduced by the amount equal to the amount transferred on June 3, 2011, from the KPERS—employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency pursuant to subsection (a)(2), if any amount is so transferred by the director of accounts and reports.

(4) (A) On June 1, 2011, if the amount certified by joint certification pursuant to subsection (a)(1) is less than $21,240,000, the director of accounts and reports shall determine the difference between $21,240,000 and the amount so certified and, on June 1, 2011, shall transfer the amount of such difference from the special education services aid account of the state general fund of the above agency to the general state aid account of the state general fund of the above agency.

(B) On July 1, 2011, there is appropriated for the above agency for the fiscal year ending June 30, 2012, from the state general fund in the general state aid account, the amount equal to the sum determined by the director of accounts and reports as prescribed in subsection (a)(4)(A).

(5) At the same time that such joint certification is transmitted to the director of accounts and reports pursuant to subsection (a)(1), the commissioner of education, the director of legislative research and the director of the budget shall jointly transmit a copy of such certification to the speaker of the house of representatives, the speaker pro tem of the house of representatives, the majority leader of the house of representatives, the minority leader of the house of representatives, the chairperson of the committee on appropriations of the house of representatives, the chief clerk of the house of representatives, the president of the senate, the vice-president of the senate, the majority leader of the senate, the minority leader of the senate, the chairperson of the committee on ways and means of the senate and the secretary of the senate.
(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special education services aid</td>
<td>$21,240,000</td>
</tr>
</tbody>
</table>

(c) On the effective date of this act, of the $1,961,339,680 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the general state aid account, the sum of $85,089,248 is hereby lapsed.

(d) On the effective date of this act, of the $7,539,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the parent education program account, the sum of $180,370 is hereby lapsed.

(e) On the effective date of this act, of the $5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the Pre-K program account, the sum of $119,630 is hereby lapsed.

(f) During the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the department of education from the special education services aid account of the state general fund for fiscal year 2011 for special education services aid as authorized by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, and notwithstanding the provisions of K.S.A. 2010 Supp. 72-998, and amendments thereto, or any other statute, the department of education shall make expenditures from the special education services aid account of the state general fund for fiscal year 2011 for a payment to each school district, as defined by K.S.A. 72-962, and amendments thereto, that received an amount of medicaid replacement state aid for the 2010-2011 school year that was more than $300,000 less than the amount of medicaid replacement state aid received for the 2009-2010 school year due to the loss of attendant care medicaid revenue from the Kansas health policy authority for school year 2010-2011: Provided, That the amount of such payment shall be equal to (1) the amount by which the medicaid replacement state aid received by the school district for the 2009-2010 school year is greater than the total of the medicaid replacement state aid for the 2010-2011 school year plus $300,000, minus (2) the total received by the school district for increases in other medicaid reimbursements for the 2010-2011 school year: Provided further, That each such payment shall be made from the amount designated by the state board of education pursuant to K.S.A. 2010 Supp. 72-998, and amendments thereto, for medicaid replacement state aid for the 2010-2011 school year.

(g) On April 1, 2012, of the amount appropriated for the department
of education for the fiscal year ending June 30, 2012, by this act from the state general fund in the KPERS—employer contributions account, the amount equal to the amount certified by joint certification pursuant to subsection (a)(1) is hereby lapsed.

(h) On July 1, 2012, there is appropriated for the department of education for the fiscal year ending June 30, 2013, from the state general fund in the KPERS—employer contributions account the amount equal to the amount certified by joint certification pursuant to subsection (a)(1).

Sec. 41.

UNIVERSITY OF KANSAS

(a) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $300,000 from the standardized water data repository fund to the state water plan fund.

Sec. 42.

JUDICIAL BRANCH

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

SJI grant fund............................................................. No limit

Sec. 43.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, of the $5,385,207 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 82(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of $30,509 is hereby lapsed.

Sec. 44.

KANSAS STATE SCHOOL FOR THE DEAF

(a) On the effective date of this act, of the $8,890,257 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 83(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of $63,850 is hereby lapsed.

Sec. 45.

DEPARTMENT OF CORRECTIONS

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

Operating expenditures ................................................ $472,709

(b) On the effective date of this act, of the $13,700,482 appropriated for the above agency for the fiscal year ending June 30, 2011, by section
95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the facilities operations account, the sum of $3,500,000 is hereby lapsed.

(c) On the effective date of this act, of the $13,084,057 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Topeka correctional facility—facilities operations account, the sum of $200 is hereby lapsed.

(d) On the effective date of this act, of the $8,308,154 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Hutchinson correctional facility—facilities operations account, the sum of $500 is hereby lapsed.

(e) On the effective date of this act, of the $38,326,136 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Lansing correctional facility—facilities operations account, the sum of $500 is hereby lapsed.

(f) On the effective date of this act, of the $12,936,609 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility—facilities operations account, the sum of $442 is hereby lapsed.

(g) On the effective date of this act, of the $5,301,602 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Norton correctional facility—facilities operations account, the sum of $991 is hereby lapsed.

(h) On the effective date of this act, of the $3,088,303 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 132(b) of chapter 165 of the 2010 Session Laws of Kansas from the correctional institutions building fund in the capital improvements—rehabilitation and repair of correctional institutions account, the sum of $374,471 is hereby lapsed.

Sec. 46.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the $23,331,916 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 96(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of $3,336,312 is hereby lapsed.

(b) On the effective date of this act, of the $4,000,013 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 133(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institu-
tions building fund in the debt service—Topeka complex and Larned juvenile correctional facility account, the sum of $2,411 is hereby lapsed.

(c) On the effective date of this act, of the $87,682 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 157(a) of chapter 131 of the 2008 Session Laws of Kansas from the state institutions building fund in the raze Atchison juvenile correctional facility maintenance building account, the sum of $3,148 is hereby lapsed.

Sec. 47.

ADJUTANT GENERAL

(a) On the effective date of this act, of the $2,478,091 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 135(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the debt service—rehabilitation and repair of the statewide armories account, the sum of $3,960 is hereby lapsed.

Sec. 48.

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the emergency medical services operating fund of the emergency medical services board is hereby increased from $1,393,582 to $1,518,582.

Sec. 49.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the fire marshal fee fund of the state fire marshal is hereby decreased from $3,629,360 to $3,626,625.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $52,509 from the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal.

Sec. 50.

KANSAS PAROLE BOARD

(a) On the effective date of this act, of the $510,135 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 99(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the parole from adult correctional institutions account, the sum of $982 is hereby lapsed.

Sec. 51.

KANSAS COMMISSION ON PEACE OFFICERS’ STANDARDS AND TRAINING

(a) On June 30, 2011, the director of accounts and reports shall transfer $500,000 from the Kansas commission on peace officers’ standards and training fund of the Kansas commission on peace officers’ standards and
training to the state general fund: Provided, That the transfer of such amount shall be in addition to any other transfer from the Kansas commission on peace officers’ standards and training fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the Kansas commission on peace officers’ standards and training fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas commission on peace officers’ standards and training by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 104(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas commission on peace officers’ standards and training fund of the Kansas commission on peace officers’ standards and training is hereby decreased from $650,005 to $549,246.

Sec. 52.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On the effective date of this act, the director of accounts and reports shall transfer $3,081 from the state highway fund of the department of transportation to the water structures—state highway fund of the Kansas department of agriculture.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water structures—state highway fund of the Kansas department of agriculture is hereby increased from $104,832 to no limit.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water appropriation certification fund of the Kansas department of agriculture is hereby increased from $553,868 to no limit.

Sec. 53.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

(a) On the effective date of this act, of the $74,264 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to Kansas disabled veterans account, the sum of $20,938 is hereby lapsed.

(b) On the effective date of this act, of the $36,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to Kansas disabled veterans account, the sum of $20,938 is hereby lapsed.
fund in the reimbursement for annual licenses issued to national guard members account, the sum of $7,000 is hereby lapsed.

(c) On the effective date of this act, of the $18,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual park permits issued to national guard members account, the sum of $4,000 is hereby lapsed.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Pratt operations office sewer line upgrade .................... $70,950

(e) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Pratt operations office sewer line upgrade .................... $378,400

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Pratt operations office sewer line upgrade .................... $23,650

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Rehabilitation and repair ....................................... $260,000

Sec. 54.

KANSAS WATER OFFICE

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

- Neosho river basin issues ....................................... $464,630
Sec. 55. STATE CONSERVATION COMMISSION

(a) On the effective date of this act, the appropriation for the above agency for the fiscal year ending June 30, 2011, by section 108(d) of chapter 165 of the 2010 Session Laws of Kansas of any unencumbered balance in the conservation reserve enhancement program account of the state water plan fund is hereby lapsed.

Sec. 56. (a) (1) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(2) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(3) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided
by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-312, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3143, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2010 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer, as defined by this section, is hereby reduced by 7.5% for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, and shall not be increased for any payroll period chargeable to fiscal year 2011: Provided, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: Provided further, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state officers subject to the provisions of this section for the fiscal year 2011 have been implemented: And provided further, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: And provided further, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other
appropriation act of the 2011 regular session of the legislature, or by the
state finance council, on each special revenue fund in the state treasury is
hereby decreased for fiscal year 2011 by the amount equal to 7.5% of the
aggregate amount that is budgeted for salaries and wages, including per
diem compensation, and any associated employer contributions, other than
employer payments for participants under the state health care benefits pro-
gram pursuant to K.S.A. 75-6508, and amendments thereto, and longevity
payments authorized by law, for state officers, as defined by this section,
for all payroll periods commencing on or after the effective date of this act
which are chargeable to fiscal year 2011 for such special revenue fund, as
determined by the director of the budget, after consultation with the director
of legislative research, and certified to the director of accounts and reports.

(d) As used in this section, (1) "state agency" has the meaning ascribed
thereto by K.S.A. 75-3701, and amendments thereto, and includes the gov-
ernor’s department, lieutenant governor, attorney general, secretary of state,
state treasurer, commissioner of insurance, each agency of the executive
branch, the legislature and each agency of the legislative branch, the judicial
branch and each agency of the judicial branch;

(2) "state officer" means (A) the governor, lieutenant governor, attor-
ney general, secretary of state, state treasurer, commissioner of insurance,
each secretary of a department or other chief executive officer of a depart-
ment of the executive branch, each member of a board, commission, council
or authority of the executive branch, (B) each member of the legislature,
each legislative officer specified in K.S.A. 46-137b, and amendments
thereto, (C) each justice of the supreme court, each judge of the court of
appeals, each district judge, each district magistrate judge, and (D) each
other state officer in the executive branch, legislative branch or judicial
branch of state government whose position is specified by statute or is
otherwise determined to be a salaried officer of the state as that phrase is
used in section 15 of article 1 or section 13 of article 3 of the constitution
of the state of Kansas, and in any case "state officer" includes all salaried
officers of the state as that phrase is used in section 15 of article 1 or section
13 of article 3 of the constitution of the state of Kansas;

(3) "compensation" means any salary or per diem compensation pro-
vided by law for a state officer.

Sec. 57. (a) During the fiscal year ending June 30, 2011, subject to any
applicable requirements of federal statutes, rules, regulations or guidelines,
any expenditures or grants of money by any state agency for family plan-
ning services financed in whole or in part from federal title X moneys shall
be made subject to the following two priorities: First priority to public
entities (state, county, local health departments and health clinics) and if
any moneys remain then; second priority to non-public entities which are
hospitals or federally qualified health centers that provide comprehensive
primary and preventative care in addition to family planning services.
(b) As used in this section ‘‘hospitals’’ shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and ‘‘federally qualified health center’’ shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.

Sec. 58.

ABSTRACTERS’ BOARD OF EXAMINERS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal 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:

Abstracters’ fee fund
- For the fiscal year ending June 30, 2012................... $23,291
- For the fiscal year ending June 30, 2013................... $24,742

Sec. 59.

BOARD OF ACCOUNTANCY

(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:

Board of accountancy fee fund
- For the fiscal year ending June 30, 2012................... $340,227
- For the fiscal year ending June 30, 2013................... $346,732

Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $1,000.

- For the fiscal year ending June 30, 2013................... $346,732

Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $1,000.

Special litigation reserve fund
- For the fiscal year ending June 30, 2012................... No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2012, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.
Provided. That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2013, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2012, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: Provided, That the aggregate of such transfers for the fiscal year ending June 30, 2012, shall not exceed $15,000: Provided further, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2013, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: Provided, That the aggregate of such transfers for the fiscal year ending June 30, 2013, shall not exceed $15,000: Provided further, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 60.

STATE BANK COMMISSIONER

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

Bank commissioner fee fund

For the fiscal year ending June 30, 2012......................... $9,264,905

Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2012, for official hospitality for the division of
consumer and mortgage lending shall not exceed $1,000: Provided further, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2012, for official hospitality for the division of banking shall not exceed $1,000.

For the fiscal year ending June 30, 2013 $9,742,902

Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2013, for official hospitality for the division of consumer and mortgage lending shall not exceed $1,000: Provided further, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2013, for official hospitality for the division of banking shall not exceed $1,000.

Bank examination and investigation fund

For the fiscal year ending June 30, 2012 No limit
For the fiscal year ending June 30, 2013 No limit

Consumer education settlement fund

For the fiscal year ending June 30, 2012 No limit
For the fiscal year ending June 30, 2013 No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2012, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2013 No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2013, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

(b) During the fiscal years ending June 30, 2012, and June 30, 2013, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104, and amendments thereto, or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlement moneys designated for consumer education shall be deposited in the state treasury to the credit of the consumer education settlement fund.

Sec. 61.

KANSAS BOARD OF BARBERING

(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:

Board of barbering fee fund
- For the fiscal year ending June 30, 2012: $156,554
- For the fiscal year ending June 30, 2013: $144,892

Sec. 62.

BEHAVIORAL SCIENCES REGULATORY BOARD

(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:

Behavioral sciences regulatory board fee fund
- For the fiscal year ending June 30, 2012: $618,640
- Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $500: Provided further, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2012, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2012.
- For the fiscal year ending June 30, 2013: $636,586
- Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $500: Provided further, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2013, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2013.

Sec. 63.

STATE BOARD OF HEALING ARTS

(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:

Healing arts fee fund
- For the fiscal year ending June 30, 2012: $4,205,308
- Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $1,000: Provided further, That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2012, for disciplinary hearings shall be in
addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2012.

For the fiscal year ending June 30, 2013 ...................... $4,321,859

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $1,000:

Provided further, That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2013, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2013.

Sec. 64.

KANSAS STATE BOARD OF COSMETOLOGY

(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:

Cosmetology fee fund

For the fiscal year ending June 30, 2012 ...................... $828,391

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $500.

For the fiscal year ending June 30, 2013 ...................... $816,055

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $500.

Sec. 65.

STATE DEPARTMENT OF CREDIT UNIONS

(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:

Credit union fee fund

For the fiscal year ending June 30, 2012 ...................... $1,008,142

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $300.

For the fiscal year ending June 30, 2013 ...................... $1,038,452

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $300.

Sec. 66.

KANSAS DENTAL BOARD

(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:

Dental board fee fund
For the fiscal year ending June 30, 2012 ................... $372,181

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $500.

For the fiscal year ending June 30, 2013 ................... $374,145

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $500.

Special litigation reserve fund
For the fiscal year ending June 30, 2012 ................... No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2012, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2013 ................... No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2013, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2012, the executive director of the Kansas dental board, with the approval of the director of the budget, may transfer moneys from the dental board fee fund to the special litigation reserve fund of the Kansas dental board: Provided, That the aggregate of such transfers for the fiscal year ending June 30, 2012, shall not exceed $50,000: Provided further, That the executive director of the Kansas dental board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.
(c) During the fiscal year ending June 30, 2013, the executive director of the Kansas dental board, with the approval of the director of the budget, may transfer moneys from the dental board fee fund to the special litigation reserve fund of the Kansas dental board: Provided, That the aggregate of such transfers for the fiscal year ending June 30, 2013, shall not exceed $50,000: Provided further, That the executive director of the Kansas dental board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 67.

STATE BOARD OF MORTUARY ARTS

(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:

Mortuary arts fee fund
For the fiscal year ending June 30, 2012 .................. $273,993
For the fiscal year ending June 30, 2013 .................. $282,648

Sec. 68.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(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:

Hearing instrument board fee fund
For the fiscal year ending June 30, 2012 .................. $29,636
For the fiscal year ending June 30, 2013 .................. $29,181

Sec. 69.

BOARD OF NURSING

(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:

Board of nursing fee fund
For the fiscal year ending June 30, 2012 .................. $2,046,215
Provided, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $500.
For the fiscal year ending June 30, 2013 .................. $2,109,810
Provided, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $500.

Gifts and grants fund
For the fiscal year ending June 30, 2012...................... No limit
For the fiscal year ending June 30, 2013...................... No limit

Education conference fund
For the fiscal year ending June 30, 2012...................... No limit
For the fiscal year ending June 30, 2013...................... No limit

Criminal background and fingerprinting fund
For the fiscal year ending June 30, 2012...................... No limit
For the fiscal year ending June 30, 2013...................... No limit

Sec. 70.

BOARD OF EXAMINERS IN OPTOMETRY

(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:

Optometry fee fund
For the fiscal year ending June 30, 2012...................... $121,252
Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $300.
For the fiscal year ending June 30, 2013...................... $111,631
Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $300.

Sec. 71.

STATE BOARD OF PHARMACY

(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:

State board of pharmacy fee fund
For the fiscal year ending June 30, 2012...................... $792,007
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $1,500.
For the fiscal year ending June 30, 2013...................... $839,771
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $1,500.
State board of pharmacy litigation fund
• For the fiscal year ending June 30, 2012: No limit
• For the fiscal year ending June 30, 2013: No limit

Harold Rogers prescription federal fund
• For the fiscal year ending June 30, 2012: No limit
• For the fiscal year ending June 30, 2013: No limit

NASPER grant federal fund
• For the fiscal year ending June 30, 2012: No limit
• For the fiscal year ending June 30, 2013: No limit

Non-federal gifts and grants fund
• For the fiscal year ending June 30, 2012: No limit

Provided, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2012: Provided, however, That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: Provided further, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: And provided further, That all expenditures from the non-federal gifts and grants fund for fiscal year 2012 shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

For the fiscal year ending June 30, 2013: No limit

Provided, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2013: Provided, however, That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: Provided further, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: And provided further, That all expenditures from the non-federal gifts and grants fund for fiscal year 2013 shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

Sec. 72.

REAL ESTATE APPRAISAL BOARD

(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:
Appraiser fee fund
For the fiscal year ending June 30, 2012...................... $302,559

Provided, That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $500.

For the fiscal year ending June 30, 2013...................... $314,607

Provided, That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $500.

Federal registry clearing fund
For the fiscal year ending June 30, 2012...................... No limit
For the fiscal year ending June 30, 2013...................... No limit

Sec. 73.

KANSAS REAL ESTATE COMMISSION
(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:

Real estate fee fund
For the fiscal year ending June 30, 2012...................... $1,131,554

Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $200.

For the fiscal year ending June 30, 2013...................... $1,133,094

Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $200.

Real Estate recovery revolving fund
For the fiscal year ending June 30, 2012...................... No limit
For the fiscal year ending June 30, 2013...................... No limit

Background investigation fee fund
For the fiscal year ending June 30, 2012...................... No limit

Provided, That notwithstanding the provisions of K.S.A. 58-3039, and amendments thereto, or any other statute, moneys collected for the purpose of reimbursing the Kansas real estate commission for the cost of fingerprinting and the criminal history record check shall be deposited in the state treasury and credited to the background investigation fee fund.

For the fiscal year ending June 30, 2013...................... No limit

Provided, That notwithstanding the provisions of K.S.A. 58-3039, and amendments thereto, or any other statute, moneys collected for the purpose of reimbursing the Kansas real estate commission for the cost of fingerprinting and the criminal history record check shall be deposited in the state treasury and credited to the background investigation fee fund.
Sec. 74. OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

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

Securities act fee fund

For the fiscal year ending June 30, 2012................... $2,875,392

Provided, That, in the discretion of the securities commissioner, one or more transfers of money may be made from the securities act fee fund for the fiscal year ending June 30, 2012, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: Provided further, That the total amount of such transfers for the fiscal year ending June 30, 2012, shall not exceed $20,000; And provided further, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $2,000.

For the fiscal year ending June 30, 2013................... $2,923,867

Provided, That, in the discretion of the securities commissioner, one or more transfers of money may be made from the securities act fee fund for the fiscal year ending June 30, 2013, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: Provided further, That the total amount of such transfers for the fiscal year ending June 30, 2013, shall not exceed $20,000; And provided further, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $2,000.

Investor education fund

For the fiscal year ending June 30, 2012..................... No limit

Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $5,000.

For the fiscal year ending June 30, 2013..................... No limit

Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $5,000.

Sec. 75. STATE BOARD OF TECHNICAL PROFESSIONS

(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:
Technical professions fee fund
  For the fiscal year ending June 30, 2012...................... $605,232
  Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $1,000.

  For the fiscal year ending June 30, 2013...................... $589,122
  Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed $1,000.

Special litigation reserve fund
  For the fiscal year ending June 30, 2012...................... No limit
  Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2012, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

  For the fiscal year ending June 30, 2013...................... No limit
  Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2013, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

Sec. 76.

STATE BOARD OF VETERINARY EXAMINERS
  (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:

Veterinary examiners fee fund
  For the fiscal year ending June 30, 2012...................... $266,942
For the fiscal year ending June 30, 2013.......................... $268,132

Sec. 77.

GOVERNMENTAL ETHICS COMMISSION

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

Operating expenditures

For the fiscal year ending June 30, 2012...................... $407,276

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then on July 1, 2011, of the $407,276 appropriated for the above agency for the fiscal year ending June 30, 2012, by this section from the state general fund in the office of the operating expenditures account, the sum of $230,000 is hereby lapsed.

For the fiscal year ending June 30, 2013...................... $421,567

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: Provided further, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then on July 1, 2012, of the $421,567 appropriated for the above agency for the fiscal year ending June 30, 2013, by this section from the state general fund in the office of the operating expenditures account, the sum of $220,000 is hereby lapsed.

(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:

Governmental ethics commission fee fund

For the fiscal year ending June 30, 2012...................... $486,532
For the fiscal year ending June 30, 2013...................... $489,566

(c) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by subsection (b) on the governmental ethics commission fee fund of the above agency is hereby decreased from $486,532 to $256,532: Provided, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during
the 2011 regular session and enacted into law, then, (1) the expenditure limitation on the governmental ethics commission fee fund shall not be decreased pursuant to this subsection, and (2) on July 1, 2011, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

(d) On July 1, 2012, the expenditure limitation established for the fiscal year ending June 30, 2013, by subsection (b) on the governmental ethics commission fee fund of the above agency is hereby decreased from $489,566 to $269,566: Provided, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then, (1) the expenditure limitation on the governmental ethics commission fee fund shall not be decreased pursuant to this subsection, and (2) on July 1, 2012, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 78.

KANSAS HOME INSPECTORS REGISTRATION BOARD

(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:

Home inspectors registration fee fund
- For the fiscal year ending June 30, 2012: $16,740
- For the fiscal year ending June 30, 2013: $16,800

Sec. 79. Position limitations. The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years specified made in this or other appropriation act of the 2011 or 2012 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council:

Abstracters’ Board of Examiners
- For the fiscal year ending June 30, 2012: 0.00
- For the fiscal year ending June 30, 2013: 0.00

Board of Accountancy
- For the fiscal year ending June 30, 2012: 3.00
- For the fiscal year ending June 30, 2013: 3.00

State Bank Commissioner
- For the fiscal year ending June 30, 2012: 99.00
- For the fiscal year ending June 30, 2013: 99.00
<table>
<thead>
<tr>
<th>Board Name</th>
<th>2012 Fiscal Year</th>
<th>2013 Fiscal Year</th>
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<td>Kansas Board of Barbering</td>
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<tr>
<td>Behavioral Sciences Regulatory Board</td>
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<td>State Board of Healing Arts</td>
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<td>Kansas State Board of Cosmetology</td>
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<td>State Department of Credit Unions</td>
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<td>State Board of Mortuary Arts</td>
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<td>Board of Examiners in Optometry</td>
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<td>State Board of Pharmacy</td>
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<td>Office of the Securities Commissioner of Kansas</td>
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<tr>
<td>State Board of Technical Professions</td>
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State Board of Veterinary Examiners
For the fiscal year ending June 30, 2012 ...................... 3.00
For the fiscal year ending June 30, 2013 ...................... 3.00

Governmental Ethics Commission
For the fiscal year ending June 30, 2012 ...................... 9.00
For the fiscal year ending June 30, 2013 ...................... 9.00

Kansas Home Inspectors Registration Board
For the fiscal year ending June 30, 2012 ...................... 0.00
For the fiscal year ending June 30, 2013 ...................... 0.00

Sec. 80.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Legislative coordinating council—operations ...................... $749,822

Provided. That any unencumbered balance in the legislative coordinating council—operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Legislative research department—operations ...................... $3,549,398

Provided. That any unencumbered balance in the legislative research department—operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Office of revisor of statutes—operations ...................... $3,049,313

Provided. That any unencumbered balance in the office of revisor of statutes—operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund ........ No limit

Sec. 81.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operations (including official hospitality) ...................... $14,768,065

Provided. That any unencumbered balance in the operations (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allow-
ances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: And provided further, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: And provided further, That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint committee, chargeable to fiscal year 2012 unless such meeting is approved by the legislative coordinating council: And provided further, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2012: And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member’s first term as legislator during fiscal year 2012: And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2012: And provided further, That in addition to the other purposes for which expend-
itures may be made from moneys appropriated from the operations (including official hospitality) account for fiscal year 2012 for the legislature as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the legislature from the operations (including official hospitality) account for fiscal year 2012 for the expenses of the state employee pay plan oversight committee to, in addition to the committee’s other duties pursuant to K.S.A. 46-3601, and amendments thereto, study the effects of the classified salary market adjustments (including fringe benefits) for fiscal years 2010, and 2011: And provided further, That, such study shall be designed to: (1) review the classified salary market adjustments (including fringe benefits) for fiscal years 2010 and 2011; and (2) evaluate whether such adjustments accomplished the goal of having classified state employees paid comparable salaries and fringe benefits when compared to the private sector employees: And provided further, That, the study shall be completed no later than December 31, 2011, and the findings and recommendations shall be made available to the house of representatives committee on appropriations and the senate committee on ways and means no later than the first day of the 2012 regular legislative session.

Legislative redistricting................................................ $8,667

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

Legislative information system ...................................... $1,347,498

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special revenue fund .................................... No limit

Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory
committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: 

Provided further, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: 

And provided further, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: 

And provided further, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: 

And provided further, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: 

And provided further, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: 

And provided further, That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2012 unless such meeting is approved by the legislative coordinating council: 

And provided further, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2012: 

And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member’s first term as legislator during fiscal year 2012: 

And provided further, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to
each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2012.

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

(c) As used in this section, “joint committee” includes the joint committee on rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, legislative educational planning committee, joint committee on economic development, joint committee on state building construction, joint committee on the arts and cultural resources, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, workers compensation fund oversight committee, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, joint committee on children’s issues, compensation commission, joint committee on Kansas security, joint committee on health policy oversight, state employee pay plan oversight committee, joint committee on energy and environmental policy, joint committee on home and community based services oversight, capitol restoration commission, Kansas criminal code recodification commission, Kansas DUI commission, redistricting advisory group, capitol preservation committee and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

Sec. 82.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operations (including legislative post audit committee)...... $2,020,838

Provided. That any unencumbered balance in the operations (including legislative post audit committee) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That the division of post audit shall conduct a performance audit, on approval of the legislative post audit committee, on the KAN-ED program, pursuant to K.S.A. 2010 Supp. 75-7221 through 75-7228, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund ........................................ No limit

Provided, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: Provided further, That such fees shall be fixed to
recover all or part of the expenses incurred for reproducing and distributing such copies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: **And provided further.** That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the audit services fund.

Conversion of materials and equipment fund ............... No limit
State agency audits fund ........................................ No limit

Sec. 83.

**GOVERNOR’S DEPARTMENT**

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Governor’s department ........................................... $2,283,429

**Provided,** That any unencumbered balance in the governor’s department account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: **Provided further,** That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence prevention grants ....................... $3,560,350

**Provided,** That any unencumbered balance in the domestic violence prevention grants account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: **Provided further,** That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers ...................................... $833,549

**Provided,** That any unencumbered balance in the child advocacy centers account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: **Provided further,** That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor’s spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2012, by subsection (a) from the state general fund in the governor’s department account.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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

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

Provided, That expenditures may be made from the miscellaneous projects fund for operating expenditures for the governor’s department, including conferences and official hospitality: Provided further, That the governor is hereby authorized to fix, charge and collect fees for such conferences: And provided further, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: And provided further, That all fees received for such conferences and all fees received by the governor’s department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the miscellaneous projects fund.

Intragovernmental service fund........................................... No limit

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

Conversion of materials and equipment fund...................... No limit
Federal grants fund........................................................... No limit
Justice assistance grant—federal fund.................................. No limit
Hispanic and Latino American affairs commission—donations fund......................................................... No limit
Advisory commission on African-American affairs—donations fund ................................................................. No limit
Kansas commission on disability concerns fee fund ............ No limit
Kansas commission on disability concerns—gifts, grants and donations fund........................................... No limit
Sec. 84.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operations .......................................................... $181,866

Provided, That any unencumbered balance in the operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Special programs fund ............................................. No limit

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

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor’s spouse when accompanying the lieutenant governor on official state business and for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2012, in the operations account.

(d) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2012, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 85.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:
Operating expenditures ................................................ $904,066

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided, however, That expenditures from this account for official hospitality shall not exceed $2,000.

Litigation costs .......................................................... $78,484

Provided, That any unencumbered balance in the litigation costs account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Internet training education for Kansas kids ...................... $288,507

Provided, That any unencumbered balance in excess of $100 as of June 30, 2011, in the internet training education for Kansas kids account is hereby reappropriated for fiscal year 2012.

Abuse, neglect and exploitation unit ............................... $107,870

Provided, That any unencumbered balance in excess of $100 as of June 30, 2011, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2012. Provided further, That expenditures may be made by the attorney general from the abuse, neglect and exploitation unit account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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

Provided, That expenditures may be made from the attorney general’s committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general’s committee on crime prevention, including official hospitality: Provided further, That the attorney general is hereby authorized to fix,
charge and collect fees for conducting training seminars organized by the attorney general’s committee on crime prevention: And provided further, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: And provided further, That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general’s committee on crime prevention fee fund.

Tort claims fund ......................................................... No limit
Crime victims compensation fund .................................. No limit

Provided, That expenditures from the crime victims compensation fund for state operations shall not exceed $454,058: Provided further, That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.

Crime victims assistance fund ........................................ No limit
Protection from abuse fund .......................................... No limit
Crime victims grants and gifts fund .................................. No limit

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

Debt collection administration cost recovery fund ............ No limit

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

Medicaid fraud prosecution revolving fund ...................... No limit

Provided, That all moneys recovered by the Medicaid fraud and abuse division of the attorney general’s office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the Medicaid fraud prosecution revolving fund: Provided further, That, notwithstanding the provisions of K.S.A. 21-3851, and amendments thereto, or any other statute, expenditures may be made from the Medicaid fraud prosecution revolving fund for other operating expenditures of the attorney general’s office other than for Medicaid fraud prosecution costs.

Interstate water litigation fund .................................... No limit

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

Provided. That expenditures may be made from the false claims litigation revolving fund for costs associated with litigation under the Kansas false claims act, K.S.A. 2010 Supp. 75-7501 et seq., and amendments thereto.

(c) During the fiscal year ending June 30, 2012, grants made pursuant to K.S.A. 74-7325, and amendments thereto, from the protection from abuse fund and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund shall be made after consideration of the recommendation of an entity that has been designated by the United
States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $485,593 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.

(e) During the fiscal year ending June 30, 2012, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the attorney general to another item of appropriation for fiscal year 2012 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $125,000 from the court cost fund of the attorney general to the state general fund.

(g) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $450,000 from the medicaid fraud prosecution revolving fund of the attorney general to the state general fund.

(h) During the fiscal year ending June 30, 2012, 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 from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Bill No. 2035: Provided, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 House Bill No. 2035 shall not exceed $220,000.

(i) During the fiscal year ending June 30, 2012, 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 from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 Senate
Bill No. 93: \textit{Provided}, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 Senate Bill No. 93 shall not exceed $82,000: \textit{Provided further}, That, if 2011 House Substitute for Senate Bill No. 93 is not passed by the legislature during the 2011 regular session and enacted into law, then no expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to carry out and administer the provisions of 2011 Senate Bill No. 93.

Sec. 86.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery and funeral audit fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>HAVA ELVIS fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Conversion of materials and equipment fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Information and services fee fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

\textit{Provided}, That expenditures from the information and services fee fund for official hospitality shall not exceed $2,500.

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>State register fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Uniform commercial code fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>State flag and banner fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Secretary of state refund fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Electronic voting machine examination fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Credit card clearing fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Suspense fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Prepaid services fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Athlete agent registration fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Democracy fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technology communication fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Help America Vote Act federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>HAVA title I federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Voting access—disabled individuals federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Cemetery maintenance and merchandise fee fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

(b) During the fiscal year ending June 30, 2012, notwithstanding the
provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amendments thereto, of any constitutional amendment that is introduced by the legislature during the 2012 regular session of the legislature.

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $200,000 from the uniform commercial code fee fund of the secretary of state to the state general fund.

Sec. 87.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer operating fund........................ ................ $1,547,986

Provided. That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2012, the state treasurer is hereby authorized and directed to credit the first $1,547,986 received and deposited in the state treasury to the state treasurer operating fund: Provided further, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2012 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: And provided further, That all moneys credited to the state treasurer operating fund during fiscal year 2012 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

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

Provided, That expenditures from the unclaimed property expense fund for official hospitality shall not exceed $2,000.
County and city transient guest tax fund ......................... No limit
Racing admissions tax fund .......................................... No limit
Rental motor vehicle excise tax fund .............................. No limit
Transportation development district sales tax fund .......... No limit
Redevelopment bond fund ............................................ No limit
Municipal investment pool fund ..................................... No limit
Pooled money investment portfolio fee fund .................... No limit

Provided, That, on or before the fifth day of each month of the fiscal year ending June 30, 2012, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: Provided further, That, prior to the 10th day of each month during the fiscal year ending June 30, 2012, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: And provided further, That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed $800.

Special qualified industrial manufacturer fund ..................... No limit

Provided, That, notwithstanding the provisions of K.S.A. 2010 Supp. 74-50,122, and amendments thereto, or any other statute, the special qualified industrial manufacturer fund shall be maintained in the state treasury and shall be administered by the state treasurer for the purposes of the qualified industrial manufacturer act: Provided further, That on the 15th day of each month that commences during fiscal year 2012, the secretary of commerce and the secretary of revenue shall consult and determine the amount of revenue received by the state from withholding taxes paid by each taxpayer that is a qualified industrial manufacturer during the preceding month and then, jointly, shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: And provided further, That, upon receipt of each such certification, the
director of accounts and reports shall transfer the amount certified from the
state general fund to the special qualified industrial manufacturer fund es-
established by this subsection: *And provided further,* That, on or before the
10th day of each month commencing during fiscal year 2012, the director
of accounts and reports shall transfer from the state general fund to the
special qualified industrial manufacturer fund interest earnings based on:
(1) The average daily balance of moneys in the special qualified industrial
manufacturer fund established by this subsection for the preceding month;
and (2) the net earnings rate of the pooled money investment portfolio for
the preceding month: *And provided further,* That the moneys credited to
the special qualified industrial manufacturer fund from the withholding
taxes paid by a qualified industrial manufacturer shall be paid by the state
treasurer to such qualified industrial manufacturer on such dates as are
mutually agreed to by the secretary of commerce and the state treasurer,
serving as paying agent in accordance with the terms of the agreement
entered into pursuant to K.S.A. 2010 Supp. 74-50,122, and amendments
thereto, by the secretary of commerce and such qualified industrial manu-
facturer: *And provided further,* That not more than $2,000,000 shall be paid
from the special qualified industrial manufacturer fund established by this
subsection by the state treasurer to a qualified industrial manufacturer: *And
provided further,* That the words and phrases used in these provisos to
appropriation of moneys in the special qualified industrial manufacturer
fund shall have the meanings respectively ascribed thereto by K.S.A. 2010
Supp. 74-50,121, and amendments thereto, unless the context requires oth-
erwise.

Kansas postsecondary education savings program trust

fund.............................................................................. No limit

Provided, That notwithstanding the provisions of subsection (f) of K.S.A.
2010 Supp. 75-650, and amendments thereto, or any other statute, moneys
are hereby appropriated for the fiscal year ending June 30, 2012, for the
purpose of matching contributions of qualified applicants.

Kansas postsecondary education savings expense fund ...... No limit
Conversion of materials and equipment fund............... No limit
Tax increment financing revenue replacement fund........ No limit
Spirit bonds fund ................................................. No limit

Provided, That, on the 15th day of each month that commences during
fiscal year 2012, the secretary of revenue shall determine the amount of
revenue received by the state during the preceding month from withholding
taxes paid with respect to an eligible project by each taxpayer that is an
eligible business for which bonds have been issued under K.S.A. 2010
Supp. 74-50,136, and amendments thereto, and shall certify the amount so
determined to the director of accounts and reports and, at the same time as
such certification is transmitted to the director of accounts and reports, shall
transmit a copy of such certification to the director of the budget and the
director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the spirit bonds fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Learjet bond fund........................................................ No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2012, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the learjet bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the learjet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Siemens bond fund...................................................... No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2012, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.
eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction assistance fund .................................................. $0
Telecommunications and railroad machinery and equipment tax reduction assistance fund .................. $0
Community improvement district sales tax fund .......... No limit
Special economic revitalization fund ......................... No limit
Bioscience development and investment fund .......... No limit

(b) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: Provided, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury: Provided, however, That, for each such remittance deposited in the state treasury during fiscal year 2012, the state treasurer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: Provided further, That the state treasurer shall credit 10% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the remainder of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund of the
emergency medical services board; and (3) the amount equal to 16% of the
remainder of such deposit shall be credited to the fire service training pro-
gram fund of the university of Kansas: And provided further, That the
amount of each such deposit that is credited to the state general fund pur-
suant to this subsection is to reimburse the state general fund for accounting,
auditing, budgeting, legal, payroll, personnel and purchasing services and
any other governmental services which are performed on behalf of the state
fire marshal, the emergency medical services board, and the fire service
training program of the university of Kansas by other state agencies which
receive appropriations from the state general fund to provide such services:
And provided further, That, whenever in fiscal year 2012 the aggregate
amount that the 10% credit to the state general fund prescribed by this
subsection is equal to $100,000, then (1) the provisions of this subsection
prescribing the 10% credit to the state general fund no longer shall apply
to moneys received pursuant to K.S.A. 75-1508, and amendments thereto,
and (2) for the remainder of fiscal year 2012, the state treasurer shall credit
the full 100% so received of each such deposit as follows: (A) The amount
equal to 64% of such deposit shall be credited to the fire marshal fee fund
of the state fire marshal; (B) the amount equal to 20% of such deposit shall
be credited to the emergency medical services board operating fund of the
emergency medical services board; and (C) the amount equal to 16% of
such deposit shall be credited to the fire service training program fund of
the university of Kansas.

Sec. 88.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following spe-
cial revenue fund or funds for the fiscal year ending June 30, 2012, all
moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures other than refunds authorized by law shall
not exceed the following:

Insurance department service regulation fund ................... No limit

Provided. That expenditures from the insurance department service regu-
lation fund for official hospitality shall not exceed $2,500: Provided further,
That transfers may be made from this fund to the insurance department
rehabilitation and repair fund of the insurance department.

Insurance company examination fund ............................. No limit

Provided, That transfers may be made from the insurance company ex-
amination fund to the insurance department rehabilitation and repair fund
of the insurance department.

Insurance company annual statement examination fund... No limit

Insurance company examiner training fund....................... No limit

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

Commissioner’s travel reimbursement fund ..................... No limit
Provided, That expenditures may be made from the commissioner’s travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to meetings of public or private associations: Provided further, That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund.

Workers compensation fund…………………………………… No limit

Provided, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.

State firefighters relief fund ……………………………………… No limit

Provided, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, transfers may be made from the state firefighters relief fund to the insurance department rehabilitation and repair fund of the insurance department: Provided further, That, pursuant to provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, one or more transfers may be made during fiscal year 2012 from the state firefighters relief fund to the insurance department service regulation fund to repay the amount that was borrowed for the special distribution in FY 2008 pursuant to section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, relating to the overpayment to the firefighters relief association for Manhattan, KS: And provided further, That, as used in this proviso, (1) “2012 formula amount” means the amount determined in accordance with the formula and other provisions of K.S.A. 40-1706, and amendments thereto, for the firefighters relief association for Manhattan, KS, for fiscal year 2012, (2) “2008 payment amount” means the amount actually paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2008, and (3) “2012 repayment amount” means the difference between the 2012 formula amount and the 2008 payment amount: And provided further, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, the amount of the distribution to be paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2012 shall not exceed the 2008 payment amount: And provided further, That the commissioner of insurance shall certify the 2012 repayment amount to the director of accounts and reports and the outstanding amount that remains to be repaid to the insurance department service regulation fund pursuant to provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas after the transfer to the insurance department service regulation fund pursuant to this proviso: And provided further, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount equal to the 2012 repayment amount
from the state firefighters relief fund to the insurance department service regulation fund: And provided further, That, at the same time that the commissioner of insurance transmits such certification to the director of accounts and reports, the commissioner of insurance shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

Insurance company tax and fee refund fund ......................... No limit
Group-funded workers’ compensation pools fee fund ........ No limit
Provided, That transfers may be made from the group-funded workers’ compensation pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

Municipal group-funded pools fee fund............................ No limit
Provided, That transfers may be made from the municipal group-funded pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

Uninsurable health insurance plan fund.......................... No limit
Insurance education and training fund............................ No limit
Provided, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: Provided further, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: And provided further, That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: And provided further, That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund.

Monumental life settlement fund................................ No limit
Provided, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: Provided further, That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

Fines and penalties fund.......................................... $10,000
Provided, That, notwithstanding the provisions of K.S.A. 40-2606, and amendments thereto, or any other statute, all moneys received during fiscal year 2012 for penalties imposed pursuant to K.S.A. 40-2606, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the fines and penalties fund.

Settlements fund ....................................................... No limit
Provided, That moneys may be transferred or otherwise credited to the settlements fund as the result of or pursuant to court orders under K.S.A. 40-3644, and amendments thereto, court-ordered settlements, or legislative authority: Provided further, That expenditures from the settlements fund shall be made for the purpose of providing consumer education and outreach or for costs that the insurance department may incur in closeout of any troubled insurance company matters.

Emergency management performance grant—Federal fund.................................................. No limit
Affordable care act—federal fund.......................................................... No limit
HHS consumer assistance grant—federal fund........................................... No limit
HHS exchange planning & establishment grant—federal fund............................ No limit
HHS rate review grant—federal fund......................................................... No limit
Exchange—KMED early innovator federal grant........................................ No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2012 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223 or 75-3721, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2012 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

Sec. 89.
HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care stabilization fund ......................................................... No limit
Conference fee fund ................................................................. No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2012, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures ................................................................. $1,666,312

Provided, That expenditures may be made from the operating expenditures account for official hospitality.
Legal services and other claims expenses ......................... No limit
Claims and benefits ..................................................... No limit

Sec. 90.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund.................................................... No limit
 Grants and gifts fund .................................................. No limit

Provided, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund .................................................. No limit
Judicial performance fund............................................. No limit

(b) On June 30, 2012, notwithstanding the provisions of K.S.A. 20-2207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund as of June 30, 2012, in excess of $175,000 from the publications fee fund to the state general fund: Provided, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the publications fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services: And provided further, That when the judicial council must expend moneys for unforeseen and unbudgeted items, that such moneys shall be paid first from the judicial council fund and then from the publication fees fund.

(c) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2010 Supp. 20-3207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $778,518 from the judicial performance fund of the judicial council to the judicial branch surcharge fund of the judicial branch: Provided, That the transfer of such amount shall be in addition to any other transfer from the judicial performance fund as prescribed by law.
Sec. 91.
STATE BOARD OF INDIGENTS’ DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures .................................................. $11,479,801

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures for indigents’ defense services are authorized to be made from the operating expenditures account regardless of when services were rendered: Provided further, That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: And provided further, That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents’ defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111, and amendments thereto, and shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Assigned counsel expenditures ...................................... $7,904,990

Provided, That any unencumbered balance in excess of $100 as of June 30, 2011, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2012: Provided further, That expenditures for indigents’ defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Capital defense operations ............................................ $1,431,887

Provided, That any unencumbered balance in excess of $100 as of June 30, 2011, in the capital defense operations account is hereby reappropriated for fiscal year 2012: Provided further, That expenditures for indigents’ defense services are authorized to be made from the capital defense operations account regardless of when services were rendered.

Legal services for prisoners ........................................... $289,592

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Indigents’ defense services fund ................................. No limit

Provided, That expenditures may be made from the indigents’ defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop fee fund ......................... No limit
Provided. That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: Provided further, That the state board of indigents’ defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: And provided further, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Edward Byrne memorial JAG—ARRA fund ...................... No limit
Grant server backup/recovery—JAG fund ..................... No limit
Edward Byrne memorial JAG—defender position fund..... No limit

(c) During the fiscal year ending June 30, 2012, the executive director of the state board of indigents’ defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the state board of indigents’ defense services to any other item of appropriation for fiscal year 2012 from the state general fund for the state board of indigents’ defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 92.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Judiciary operations...................................................... $102,095,188

Provided, That any unencumbered balance in the judiciary operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto: And provided further, That expenditures may be made from the judiciary operations account for contingencies without limitation at the discretion of the chief justice: And provided further, That expenditures from the judiciary operations account for such contingencies shall not exceed $25,000: And provided further, That expenditures from the judiciary operations account for official hospitality shall not exceed $4,000: And provided further, That expenditures shall be made from the judiciary operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases: And provided further, That for the fiscal year ending June 30, 2012, the costs of printing advance sheets and bound volumes of
opinions of the supreme court and the court of appeals shall first be paid from the fees collected for the sale of advance sheets and the bound volumes of opinions and after all such fees are expended for such purpose, any remaining costs of printing shall be paid from moneys appropriated in the judiciary operations account of the state general fund for fiscal year ending June 30, 2012: And provided further, That expenditures made from the judiciary operations account for information technology projects, as defined by K.S.A. 2010 Supp. 75-7201, and amendments thereto, and as set forth in the information technology project budget estimates reported pursuant to K.S.A. 2010 Supp. 75-7209, and amendments thereto, for such information technology projects, shall be reduced by $62,242 for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library report fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Judiciary technology fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Provided, That expenditures made from the judiciary technology fund for information technology projects, as defined by K.S.A. 2010 Supp. 75-7201, and amendments thereto, and as set forth in the information technology project budget estimates reported pursuant to K.S.A. 2010 Supp. 75-7209, and amendments thereto, for such information technology projects, shall be reduced by $12,047 for fiscal year 2012.</td>
<td></td>
</tr>
<tr>
<td>Judicial branch gifts fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Dispute resolution fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Judicial branch education fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Provided, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: Provided further, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: And provided further, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: And provided further, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.</td>
<td></td>
</tr>
</tbody>
</table>
Section 93.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

- 13th retirement check—debt service $3,210,092

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas public employees retirement fund No limit

Provided. That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.

- Kansas public employees deferred compensation fees fund No limit

- Group insurance reserve fund No limit
Optional death benefit plan reserve fund ......................... No limit
Kansas endowment for youth fund .................................... No limit
Senior services trust fund ............................................ No limit
Family and children endowment account—family and children investment fund ............................................. No limit
Non-retirement administration fund ................................ No limit

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

KDFA series 2003H bond debt service fund ....................... No limit

Provided. That notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939, and amendments thereto, K.S.A. 74-4957, and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be deposited in the KDFA series 2003H bond debt service fund: Provided further, that the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2012: And provided further, that the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2012.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2012, for the following specified purposes:

Agency operations ...................................................... $8,517,600

Provided. That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses ........................................... No limit

KPERS technology project ............................................. No limit

(d) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2012, for the following specified purposes:

Agency operations ...................................................... $75,603

Investment-related expenses ........................................... No limit
(e) On July 1, 2011, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by subsection (d)(4) of K.S.A. 38-2102, and amendments thereto, to be transferred on July 1, 2011, by the director of accounts and reports from the Kansas endowment for youth fund to the children’s initiatives fund is hereby increased to $54,611,593.

Sec. 94.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures .................................................. $1,242,018

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from this account for official hospitality shall not exceed $150: Provided further, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a $1 of private moneys to $3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal fund............................................................... No limit
Conversion of materials and equipment fund................. No limit
Annual banquet fund ............................................... No limit

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

Education and training fund ........................................ No limit

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

Sec. 95.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Public service regulation fund ....................................... No limit
Motor carrier license fees fund ...................................... No limit
Conservation fee fund.......................................................... No limit

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: Provided further, That expenditures may be made from this fund for debt collection and set-off administration: And provided further, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund of the department of administration for services rendered in collection efforts: And provided further, That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: And provided further, That the state corporation commission shall include as part of the fiscal year 2013 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2013, 2014 and 2015.

Energy grants management federal fund—ARRA .............. No limit

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

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

Natural gas underground storage fee fund.......................... No limit
Gas pipeline inspection fee fund.......................... No limit
Special one-call—federal fund.......................... No limit
Compressed air energy storage fee fund.......................... No limit
Abandoned oil and gas well fund.......................... No limit
Well plugging assurance fund.......................... No limit
Facility conservation improvement program fund.......................... No limit
Gas pipeline safety program—federal fund.......................... No limit
Carbon dioxide injection well and underground storage fund.......................... No limit
Energy related grants—federal fund.......................... No limit
Energy grants management fund........................................... No limit
Energy conservation plan—federal fund............................. No limit
Vehicle information systems network—federal fund .......... No limit
Underground injection control class II—federal fund ......... No limit
One call—federal fund.................................................. No limit
Inservice education workshop fee fund ............................. No limit

Provided. That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: Provided further, That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Unified carrier registration clearing fund.......................... No limit
Credit card clearing fund............................................. No limit
Suspense fund.................................................. No limit
KETA development fund............................................. No limit

(b) Expenditures for the fiscal year ending June 30, 2012, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund shall not exceed, in the aggregate, $16,844,081: Provided, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2012 from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund for official hospitality shall not exceed, in the aggregate, $2,000.

(c) Expenditures for the fiscal year ending June 30, 2012, by the state corporation commission from the conservation fee fund or the abandoned oil and gas well fund may be made for the service of independent on-site supervision of well plugging contracts: Provided, That all expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto, and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(d) During the fiscal year ending June 30, 2012, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund of the state corporation commission, which are in excess of $400,000 prescribed by K.S.A. 55-193, and amendments thereto, to the abandoned oil
and gas well plugging fund of the state corporation commission: Provided, That the executive director of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The executive director of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) (1) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2012 for the state corporation commission as authorized by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority: Provided, That expenditures from the public service regulation fund for the expenses of the Kansas electric transmission authority for fiscal year 2012 shall not exceed $100,000.

(2) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2012 for the state corporation commission as authorized by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority, if the total expenditures for such purpose authorized by the expenditure limitation prescribed by subsection (f)(1) of section 59 of chapter 165 of the 2010 Session Laws of Kansas for fiscal year 2011 are not expended or encumbered for fiscal year 2011, then the amount equal to the remaining amount of such unexpended or encumbered expenditure authority for fiscal year 2011 may be expended by the state corporation commission from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority and any such expenditures for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the public service regulation fund for expenses incurred by the Kansas electric transmission authority for fiscal year 2012.

(g) Notwithstanding the provisions of K.S.A. 66-1,142b, and amend-
ments thereto, or any other statute, to the contrary, all moneys received from civil penalties related to the Kansas highway patrol civil assessment program charged and collected by the state corporation commission under the motor carrier act and other laws relevant to motor carriers shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the state general fund.

Sec. 96.  
CITIZENS’ UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund ............................................ $824,640

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

(c) On and after the effective date of this act, during the fiscal years ending June 30, 2011, and June 30, 2012, no expenditures shall be made by the above agency from the utility regulatory fee fund for the review or other oversight of proposed administrative rules and regulations or any other duties pursuant to executive order no. 11-02.

Sec. 97.  
DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

General administration ................................................. $881,688

Provided, That any unencumbered balance in the general administration account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That in addition to other positions within
the department of administration in the unclassified service as prescribed by law, expenditures may be made from the general administration account for three employees in the unclassified service under the Kansas civil service act: And provided further, That expenditures from this account for official hospitality shall not exceed $1,000: And provided further, That in addition to the other purposes for which expenditures may be made by the above agency from the general administration account for fiscal year 2012, expenditures shall be made by the above agency from the general administration account for fiscal year 2012 for the secretary of administration, or the secretary’s designee, to issue a request for proposal for a study and analysis to review the potential costs savings related to the use of private sector printing service providers in lieu of the state printer: And provided further, That such study and analysis shall investigate the feasibility of selling the assets of the state printer, including real estate and any improvements thereon: And provided further, That the secretary of administration shall present the findings of this study to the legislative budget committee on or before November 1, 2011.

Department of administration systems............................. $393,479

Provided, That any unencumbered balance in the department of administration systems account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures from the department of administration systems account for official hospitality shall not exceed $1,000.

Personnel services....................................................... $1,682,853

Provided, That any unencumbered balance in the personnel services account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Purchasing ..................................................................... $456,969

Provided, That any unencumbered balance in the purchasing account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Budget analysis .......................................................... $1,491,469

Provided, That any unencumbered balance in the budget analysis account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: And provided further, That expenditures from this account for official hospitality shall not exceed $1,000.

Facilities management...................................................... $47,792

Provided, That any unencumbered balance in the facilities management
account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Accounts and reports ............................................. $1,701,982

*Provided,* That any unencumbered balance in the accounts and reports account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

KPERS bonds debt service .................................... $36,142,328

Public broadcasting council grants .......................... $1,484,995

*Provided,* That any unencumbered balance in the public broadcasting council grants account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. *Provided further,* That all expenditures from the public broadcasting council grants account for capital equipment shall be made to provide matching funds for federal capital equipment grants awarded to eligible public broadcasting stations. *And provided further,* That expenditures from this account may be made to provide matching funds for capital equipment projects funded from any nonstate source in the event federal capital equipment grants are not awarded: *And provided further,* That in the event the federal facility programs cease to exist or fail to conduct grant solicitations, expenditures may be made from this account to provide matching funds for capital equipment projects funded from any nonstate source without first applying for federal capital equipment grants.

Public broadcasting digital conversion debt service .......... $624,544

Long-term care ombudsman........................................ $249,294

*Provided,* That any unencumbered balance in the long-term care ombudsman account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. *Provided further,* That expenditures from this account for official hospitality shall not exceed $1,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal cash management fund</td>
<td>No limit</td>
</tr>
<tr>
<td>State leave payment reserve fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Building and ground fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

*Provided,* That expenditures may be made from the building and ground fund for operating and other expenses for the Hiram Price Dillon House.

General fees fund............................... No limit

*Provided,* That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality. *Provided further,* That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further,* That fees shall be fixed in order to recover all
or part of the operating expenses incurred, including official hospitality:

And provided further. That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Human resource information systems cost recovery fund .................................................. No limit

Provided, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: Provided further, That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: And provided further, That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: And provided further, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Budget fees fund.......................................................... No limit

Provided, That expenditures may be made from the purchasing fees fund for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: And provided further, That such fees shall be fixed in order to recover all or part of such operating expenses: And provided further, That all fees received for such operating expenses shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the purchasing fees fund.

Purchasing fees fund................................................ No limit

Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: Provided further, That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: And provided further, That all fees received for such reproduction and distri-
distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

Budget equipment conversion fund ........................................... No limit
Conversion of materials and equipment fund............................. No limit
Architectural services equipment conversion fund......................... No limit
Property contingency fund.................................................... No limit
Flood control emergency—federal fund ..................................... No limit
INK special revenue fund...................................................... No limit
CJIS Byrne Grant—federal fund............................................. No limit
FICA reimbursements medical residents fund............................. No limit
Information technology fund................................................. No limit

Provided, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.

Information technology reserve fund ...................................... No limit

Provided, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer $159,180 from the information technology reserve fund of the department of administration to the state general fund: Provided further, That the transfer of such amount shall be in addition to any other transfer from the information technology reserve fund to the state general fund as prescribed by law: And provided further, That the amount transferred from the information technology reserve fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.

State buildings operating fund .............................................. No limit

Provided, That expenditures may be made from the state buildings operating fund for operating and other expenses for the Hiram Price Dillon House: Provided further, That the secretary of administration is hereby authorized to fix, charge and collect fees for use of the rooms and other facilities of the Hiram Price Dillon House in accordance with policies adopted by the legislative coordinating council under K.S.A. 75-3682, and amendments thereto, for approving the use of such property: And provided further, That fees for approved use of such property shall be reasonable and directly related to the costs of such use and shall be fixed in order to recover all or part of the operating expenses incurred for such use: And provided further, That all moneys received for such fees shall be deposited in the
state treasury in accordance with the provisions of K.S.A. 75-4215, and
amendments thereto, and shall be credited to the state buildings operating
fund or the building and ground fund, as determined and directed by the
secretary of administration: And provided further, That the secretary of
administration is hereby authorized to fix, charge and collect a real estate
property leasing services fee at a reasonable rate per square foot of space
leased by state agencies as approved by the secretary of administration
under K.S.A. 75-3739, and amendments thereto, to recover the costs in-
curred by the department of administration in providing services to state
agencies relating to leases of real property: And provided further, That each
state agency that is party to a lease of real property that is approved by the
secretary of administration under K.S.A. 75-3739, and amendments thereto,
shall remit to the secretary of administration the real estate property leasing
services fee upon receipt of the billing therefor: And provided further, That
all moneys received for real estate property leasing services fees shall be
deposited in the state treasury in accordance with the provisions of K.S.A.
75-4215, and amendments thereto, and shall be credited to the state build-
ing operating fund or the building and ground fund, as determined and
directed by the secretary of administration: And provided further, That the
net proceeds from the sale of all or any part of the Topeka state hospital
property, as defined by subsection (a) of K.S.A. 2010 Supp. 75-37,123, and
amendments thereto, shall be deposited in the state treasury and credited to
the state buildings operating fund or the building and ground fund, as de-
termined and directed by the secretary of administration: And provided
further, That the secretary of administration is hereby authorized to fix,
charge and collect a surcharge against all state agency leased square footage
in Shawnee County including both state-owned and privately-owned build-
ings: And provided further, That all moneys received for such surcharge
shall be deposited in the state treasury in accordance with the provisions of
K.S.A. 75-4215, and amendments thereto, and shall be credited to the state
buildings operating fund or the building and ground fund, as determined
and directed by the secretary of administration: And provided further, That
on July 1, 2011, or as soon thereafter as moneys are available, notwith-
standing the provisions of any other statute, the director of accounts and
reports shall transfer $931,815 from the state buildings operating fund of
the department of administration to the state general fund: And provided
further, That the transfer of such amount shall be in addition to any other
transfer from the state buildings operating fund to the state general fund as
prescribed by law: And provided further, That the amount transferred from
the state buildings operating fund to the state general fund pursuant to this
subsection is to reimburse the state general fund for accounting, auditing,
budgeting, legal, payroll, personnel and purchasing services and any other
governmental services which are performed on behalf of the department of
administration by other state agencies which receive appropriations from
the state general fund to provide such services.
Accounting services recovery fund................................. No limit

Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: Provided further, That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: And provided further, That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the accounting services recovery fund.

Architectural services recovery fund.............................. No limit

Provided, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: Provided further, That the director of facilities management is hereby authorized to charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: And provided further, That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund: And provided further, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer $51,794 from the architectural services recovery fund of the department of administration to the state general fund: And provided further, That the transfer of such amount shall be in addition to any other transfer from the architectural services recovery fund to the state general fund as prescribed by law: And provided further, That the amount transferred from the architectural services recovery fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.

Motor pool service fund............................................. No limit

Intragovernmental printing service fund ......................... No limit

Intragovernmental printing service depreciation reserve fund................................................................. No limit

Municipal accounting and training services recovery fund.. No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: Provided further, That the
director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: And provided further, That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: And provided further, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

Canceled warrants payment fund ................................... No limit
State emergency fund ...................................................... No limit
Bid and contract deposit fund........................................... No limit
Federal withholding tax clearing fund............................... No limit
Financial management system development fund................. No limit

Provided, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: Provided further, That all moneys received for such fees and special assessments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial management system development fund.

State gaming revenues fund ............................................. No limit

Financial management system development fund—on budget.................................................. No limit
Construction defects recovery fund ........................................ No limit
Facilities conservation improvement fund................................ No limit
State revolving fund services fee fund............................... No limit
Conversion of materials and equipment—recycling program fund.................................................. No limit
Curtis office building maintenance reserve fund ................. No limit
Equipment lease purchase program administration clearing fund.................................................. No limit
Suspense fund ................................................................. No limit
Electronic funds transfer suspense fund............................. No limit
Surplus property program fund—on budget........................ No limit
Surplus property program fund—off budget........................ No limit
Older Americans act long-term care ombudsman federal fund.................................................. No limit
Long-term care ombudsman gift and grant fund.....................No limit
Title XIX—long-term care ombudsman medicaid federal grant fund.................................................. No limit
Wireless enhanced 911 grant fund...................................... No limit
Landon state office building repair expense fund................ No limit
MacVicar avenue assessment expense fund........................ No limit
Governor’s economic council private operations fund........... No limit
(c) On July 1, 2011, the director of accounts and reports shall transfer $210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(d) During the fiscal year ending June 30, 2012, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department’s equipment financing program. Such refinancing project is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto.

(e) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or in any capital improvement account of the state general fund for the above agency for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or any such capital improvement account of the state general fund for fiscal year 2012 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: Provided, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.

(f) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer’s receivables for the children’s initiatives fund and shall record a corresponding credit to the children’s initiatives fund in an amount certified by the director of the budget, which shall be equal to 65% of the amount estimated by the director of the budget to be transferred and credited to the children’s initiatives fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the children’s initiatives fund during fiscal year 2012. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2011 and fiscal year 2012 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children’s initiatives fund during fiscal year 2012 shall reduce the amount debited and credited to the children’s initiatives fund under this subsection.

(2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the children’s initiatives fund pursuant to this subsection, to reflect all monies actually transferred and credited to the children’s initiatives fund during fiscal year 2012.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children’s initiatives fund pur-
(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children’s initiatives fund to account for moneys actually received that are to be transferred and credited to the children’s initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (i) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(g)(1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer’s receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2012. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2012 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2012. (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(h)(1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer’s receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the
budget which shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2012. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2012 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2012.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer’s receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget which shall be equal to 80% of the amount approved for expenditure by the children’s cabinet during the fiscal year ending June 30, 2012, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2012 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the Kansas endowment for youth fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2012.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.
(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (f) for the children’s initiatives fund to account for moneys actually received that are to be transferred and credited to the children’s initiatives fund.

(j) During the fiscal year ending June 30, 2012, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of administration to another item of appropriation for fiscal year 2012 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

\[
\text{SIBF—state building insurance} \quad \$110,000
\]

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

(l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2012, the following:

\[
\text{CIBF—state building insurance} \quad \$100,000
\]

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF—state building insurance account of the correctional institutions building fund for state building insurance premiums.

(m) On July 1, 2011, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the department on aging to the older Americans act long-term care ombudsman federal fund of the department of administration:

\[
\text{Provided, That the aggregate of such amount or amounts transferred during fiscal year 2012 shall be equal to and shall not exceed the older Americans act Title VII: ombudsman award and 4.38\% of the Kansas older Americans act Title III: part B supportive services award.}
\]

(n) (1) On July 1, 2011, notwithstanding the provisions of any other statute, the director of accounts and reports shall record a debit to the state
treasurer’s receivables for the state general fund and shall record a corresponding credit to the state general fund in the net amount equal to $32,689,900 minus the amount credited and debited on or before June 30, 2011, pursuant to section 61(n)(9)(D) of chapter 165 of the 2010 Session Laws of Kansas, to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006, for state agencies.

(2) On or before September 1, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2012.

(3) (A) (i) Prior to August 15, 2011, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has a specific expenditure limitation prescribed for fiscal year 2012 and that is in excess of the amount authorized under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2012.

(ii) On or before June 30, 2012, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has no specific expenditure limitation prescribed for the fiscal year, that is in excess of the amount estimated under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2012, and that is determined by the director of the budget not to be needed for the purpose for which such amount was originally budgeted, including, but not limited to, actual or projected cost savings as a result of completed, canceled or modified projects, programs or operations.

(iii) As used in paragraphs (i) and (ii) of this subsection (n)(3)(A), ‘‘specific expenditure limitation prescribed for the fiscal year’’ includes any case in which no expenditures may be made from such reappropriated balance except upon approval by the state finance council.

(B) Prior to August 15, 2011, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all unanticipated lapses of moneys which were appropriated or reappropriated from the state general fund for fiscal year 2011 and which were not reappropriated for fiscal year 2012, as determined by the director of the budget: Provided, That, as used in this subsection (n)(3)(B), ‘‘unanticipated lapses of moneys’’ shall not include any amount lapsed from the state general fund pursuant to explicit language in an appropriation act of the 2011 regular session of the legislature or any amount lapsed from the state general fund for which specific reappropriation language was deliberately not included in any appropriation act of the 2011 regular session of the legislature.

(C) Prior to August 15, 2011, the director of the budget shall determine
and certify to the director of accounts and reports the aggregate of all amounts of unencumbered balances in accounts of the state general fund that were first encumbered during a fiscal year commencing prior to July 1, 2010, that were released during fiscal year 2011, and that were not specifically reappropriated by an appropriation act of the 2011 regular session of the legislature.

(4) (A) On August 15, 2011, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(i), the appropriation for fiscal year 2012 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(i).

(B) On June 30, 2012, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(ii), the appropriation for fiscal year 2012 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(ii).

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

(6) (A) Prior to August 15, 2011, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (n): Provided, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than $1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection (n). At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At
the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2011, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (n)(6), the appropriation for fiscal year 2012 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children’s initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (n)(6).

(7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (n), the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2012.

(8) (A) On or before September 1, 2011, after receipt of each certification by the director of the budget pursuant to this subsection (n), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3) and subsection (n)(6) in accordance with such certifications.

(B) On September 1, 2011, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: Provided, however, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer’s receivables for the state general fund.

(C) On September 1, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2012.

(D) On or before June 30, 2012, after receipt of each certification by the director of the budget pursuant to subsection (n)(3)(A)(ii), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3)(A)(ii) in accordance with such certifications.

(E) On June 30, 2012, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund
to the master account of the state general fund: Provided, however, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer’s receivables for the state general fund.

(F) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2012.

(G) On June 30, 2012, the director of accounts and reports shall record a credit to the state treasurer’s receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006.

(H) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) and all reductions and adjustments thereto made pursuant to this subsection (n). The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.

(9) As used in this subsection (n), ‘‘regents agency’’ means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, and Wichita state university.

(10) The provisions of this subsection (n) shall not apply to:

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

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

(C) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (n);

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

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

(11) Each amount transferred from any special revenue fund of any state agency, including any regents agency, to the state general fund pursuant to this subsection (n), is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(12) On or after July 1, 2011, notwithstanding the provisions of K.S.A. 75-4209, and amendments thereto, or any other statute, upon specific authorization in an appropriation act of the legislature, the pooled money investment board is authorized and directed to loan an amount of not more than $6,000,000 to the state general fund to provide financing for any additional amounts required above the moneys otherwise provided by law to repay amounts provided by law to finance the cost of the 27th payroll chargeable to the fiscal year 2006 and to provide for an adequate reserve in the 27th payroll adjustment account. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Such loan shall not bear interest and shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Any such loan shall be repaid from the state general fund and any appropriate special revenue funds in the state treasury.

(o) During the fiscal year ending June 30, 2012, 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 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2012, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: Provided, That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 75-1269, and amendments thereto, to the contrary: Provided further, That all such fees received shall be deposited in the state treasury in accordance
(p) During the fiscal year ending June 30, 2012, 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 2012 as authorized by this or other appropriation act of the 2011 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 2012, for the secretary of administration to provide parking for state employees on state-owned parking lots located within the state capitol area, as defined by subsection (c) of K.S.A. 75-2240a, and amendments thereto, without charge or cost to such employees for such parking: Provided, That this subsection shall not apply to parking garages or other parking structures in such state capitol area or to any state-owned parking lots for which revenues have been pledged to repay bonds issued for the construction of any of such parking garages, structures or lots: Provided further, That the secretary of administration shall continue otherwise to administer access to state-owned parking lots in accordance with policies and procedures adopted as provided by law, including use of hang tags and waiting lists for specific parking lots, in order to ensure orderly parking procedures: And provided further, That the secretary of administration shall make expenditures from moneys appropriated from the state buildings operating fund or any other special revenue funds for the purpose of maintaining the state-owned parking lots.

(q) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Governor’s economic council .......................................... $197,614

(r) (1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of administration, as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to review the state real property inventory prepared pursuant to section 61(r) of chapter 165 of the 2010 Session Laws of Kansas, evaluate the state real property, and prepare from such inventory and other information a prioritized report of 10% of state real property that could be sold, subject to existing restrictions: Provided, That, on or before September 1, 2011, the secretary of administration shall provide a copy of such prioritized report to the governor, the chief clerk of the house of representatives, the secretary of the senate, and
the chairs of the committee on appropriations of the house of representatives
and the committee on ways and means of the senate.

(2) As used in this subsection, "state real property" includes each tract
of real property owned by the state of Kansas, or any state agency, as
defined by K.S.A. 75-3701, and amendments thereto, and includes all build-
ings, facilities and other improvements thereon.

(s) On July 1, 2011, the Kansas, Inc., private operations fund of the
department of administration is hereby redesignated as the governor’s eco-

(n) There is appropriated for the above agency from the following spe-
cial 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:

Bioscience development fund
For the fiscal year ending June 30, 2011...................... No limit
For the fiscal year ending June 30, 2012...................... No limit

Sec. 98.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following spe-
cial revenue fund or funds for the fiscal year ending June 30, 2012, all
moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures other than refunds authorized by law shall
not exceed the following:

Administrative hearings office fund......................... No limit

Provided, That expenditures from the administrative hearings office fund
for official hospitality shall not exceed $100.

Sec. 99.

STATE COURT OF TAX APPEALS

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures ........................................... $964,388

Provided, That any unencumbered balance in the operating expenditures
account in excess of $100 as of June 30, 2011, is hereby reappropriated for
fiscal year 2012.

(b) There is appropriated for the above agency from the following spe-
cial revenue fund or funds for the fiscal year ending June 30, 2012, all
moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures other than refunds authorized by law shall
not exceed the following:

Duplicating fees fund................................. $4,964
COTA filing fee fund .................................... $1,333,050
(c) In addition to the other purposes for which expenditures may be made by the state court of tax appeals, from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the state court of tax appeals from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the purpose of studying the necessary statutory changes needed to raise filing fees. The court shall report the findings of the study to the senate committee on ways and means and the house of representatives committee on appropriations on or before December 1, 2011.

Sec. 100.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures ........................................... $16,115,669

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from this account for official hospitality shall not exceed $1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund.................................................... No limit
Division of vehicles operating fund............................... $46,589,987

Provided, That all receipts collected under authority of K.S.A. 74-2012, and amendments thereto, shall be credited to the division of vehicles operating fund: Provided further, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2012: And provided further, That, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or of any other statute, expenditures may be made from this fund for the administration and operation of the department of revenue.

Vehicle dealers and manufacturers fee fund.................. No limit
Kansas qualified agricultural ethyl alcohol producer incentive fund......................................................... No limit
Kansas qualified biodiesel fuel producer incentive fund..... No limit
Division of vehicles modernization fund ....................... No limit
Kansas retail dealer incentive fund.............................. No limit
Local report fee fund ........................................ No limit
Military retirees income tax refund fund ...................... No limit
Conversion of materials and equipment fund .................. No limit
Forfeited property fee fund .................................... No limit
Setoff services revenue fund .................................. No limit
Publications fee fund .......................................... No limit
State bingo regulation fund .................................... No limit
Child support enforcement contractual agreement fund ...... No limit
County treasurers’ vehicle licensing fee fund .................. No limit
Tax amnesty recovery fund .................................... No limit
Reappraisal reimbursement fund ............................... No limit
Provided, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: Provided further, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the court of tax appeals under K.S.A. 79-1479, and amendments thereto.

Special training fund ........................................... No limit
Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: Provided further, That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: And provided further, That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special training fund.

Recovery fund for enforcement actions and attorney fees... No limit
Federal commercial motor vehicle safety fund ................. No limit
State homeland security program federal fund ................. No limit
Earned income tax credits—TANF—federal fund ............... No limit
Central stores fund ........................................... No limit
Provided, That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: Provided further, That all moneys received for such supplies shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the central stores fund.
Provided, That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: Provided further, That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.

Miscellaneous trust bonds fund........................................ No limit
Liquor excise tax guarantee bond fund.................................. No limit
Non-resident contractors cash bond fund................................ No limit
Bond guaranty fund.................................................................. No limit
Interstate motor fuel user cash bond fund............................. No limit
Motor fuel distributor cash bond fund...................................... No limit
Special county mineral production tax fund........................ No limit
County drug tax fund.......................................................... No limit
Escheat proceeds suspense fund........................................... No limit
Privilege tax refund fund.................................................... No limit
Suspense fund......................................................................... No limit
Cigarette tax refund fund..................................................... No limit
Motor-vehicle fuel tax refund fund......................................... No limit
Cereal malt beverage tax refund fund..................................... No limit
Income tax refund fund....................................................... No limit
Sales tax refund fund.......................................................... No limit
Compensating tax refund fund.............................................. No limit
Alcoholic liquor tax refund fund....................................... No limit
Cigarette/tobacco products regulation fund........................ No limit
Motor carrier tax refund fund............................................... No limit
Car company tax fund.......................................................... No limit
Protested motor carrier taxes fund......................................... No limit
Tobacco products refund fund............................................... No limit
Transient guest tax refund fund established by K.S.A. 12-1694a No limit
Interstate motor fuel taxes clearing fund............................... No limit
Bingo refund fund............................................................... No limit
Transient guest tax refund fund established by K.S.A. 12-16,100................................................... No limit
Interstate motor fuel taxes refund fund........................ No limit
Interfund clearing fund........................................ No limit
Local alcoholic liquor clearing fund.............................. No limit
International registration plan distribution clearing fund..... No limit
Rental motor vehicle excise tax refund fund ................... No limit
International fuel tax agreement clearing fund................. No limit
Mineral production tax refund fund................................ No limit
Special fuels tax refund fund...................................... No limit
LP-gas motor fuels refund fund.................................... No limit
Local alcoholic liquor refund fund................................ No limit
Sales tax clearing fund............................................. No limit
Rental motor vehicle excise tax clearing fund................... No limit
VIPS/CAMA technology hardware fund ........................ No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.

County and city retailers sales tax clearing fund—county and city sales tax ........................................... No limit
City and county compensating use tax clearing fund .......... No limit
County and city transient guest tax clearing fund ............. No limit
Automated tax systems fund ...................................... No limit
Dyed diesel fuel fee fund ............................................ No limit
Electronic databases fee fund ...................................... No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.

Photo fee fund............................................................ No limit

Provided, That, notwithstanding the provisions of K.S.A. 2010 Supp. 8-299, and amendments thereto, or any other statute, expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of administering the
provisions of K.S.A. 8-240, 8-243, 8-267, 8-1324 and 8-1325, and amendments thereto, relating to drivers licenses, instruction permits and identification cards.

Estate tax abatement refund fund ................................... No limit
Distinctive license plate fund ........................................ No limit
Repossessed certificates of title fee fund .......................... No limit
Hazmat fee fund ................................................... No limit
Intra-governmental service fund ..................................... No limit
Community improvement district sales tax administration fund......................................................... No limit
Community improvement district sales tax refund fund...... No limit
Community improvement district sales tax clearing fund..... No limit
Drivers license first responders indicator federal fund....... No limit

(c) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, the director of accounts and reports shall transfer $11,376,597 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2011, the director of accounts and reports shall transfer $77,250 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On August 1, 2011, the director of accounts and reports shall transfer $20,400 from the social welfare fund and $39,600 from the federal child support enforcement fund of the department of social and rehabilitation services to the child support enforcement contractual agreement fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

Sec. 101.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:
Lottery prize payment fund ........................................ No limit
Lottery operating fund ............................................. No limit

Provided, That expenditures from the lottery operating fund for official hospitality shall not exceed $5,000.

Expanded lottery receipts fund ................................. No limit
Lottery gaming facility manager fund .......................... No limit
Expanded lottery act revenues fund .......................... $0

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection, an amount of not less than $4,500,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2011, and on or before the 15th of each month thereafter through June 15, 2012: Provided, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state gaming revenues fund and shall credit such amount to the state gaming revenues fund for the fiscal year ending June 30, 2012: Provided, however, That, after the date that an amount of $54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through June 15, 2012, except that the amounts certified after such date shall not be subject to the minimum amount of $4,500,000: Provided further, That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of $54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2012 is equal to or more than $70,800,000: And provided further, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection shall be equal to or more than $70,800,000: And provided further, That the transfers prescribed by this subsection shall be made in lieu of transfers under subsection (d) of K.S.A. 74-8711, and amendments thereto, for fiscal year 2012.

(c) Notwithstanding the provisions of K.S.A. 79-4801, and amendments thereto, or any other statute and in addition to the requirements of subsection (b) of this section, on or after June 15, 2012, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund the amount of total profit attributed to the special veterans benefits game under K.S.A. 2010 Supp. 74-8724, and amendments thereto, during fiscal year 2012: Provided, That the director of accounts and reports shall transfer immediately thereafter such amount of total profit attributed to the special veterans benefits game from the state gaming revenues fund to the state general fund: Provided further, That, on or before June 25, 2012, the executive director of the lottery shall certify to the director of accounts and reports the amount equal to the amount of total profit attributed to the special veterans benefits game under K.S.A. 2010 Supp. 74-8724, and amendments thereto, during fiscal year 2012: And provided further, That,
at the same time as such certification is transmitted to the director of accounts and reports, the executive director of the lottery shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(d) In addition to the purposes for which expenditures of moneys in the lottery operating fund may be made, as authorized by provisions of K.S.A. 74-8711, and amendments thereto, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act, and the Kansas expanded lottery act.

(e) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys that are credited to the expanded lottery act revenues fund from the expanded lottery act revenues fund to the state general fund within 10 days after such moneys are credited to the expanded lottery act revenues fund: Provided, That the transfer of such amounts shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law: Provided further, That the moneys transferred from the expanded lottery act revenues fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of revenue, and other state agencies, by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 102.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund......................................................... No limit
Racing reimbursable expense fund ......................... No limit
Racing applicant deposit fund ................................. No limit
Kansas horse breeding development fund ................. No limit
Kansas greyhound breeding development fund .......... No limit

Provided, That expenditures from the state racing fund for official hospitalty shall not exceed $2,500.

Provided, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to subsection (b) of K.S.A. 2010 Supp. 74-8767, and amendments thereto, shall be deposited to a separate account established for the purpose described herein and moneys in
this account shall be expended only to supplement special stake races and
to enhance the amount per point paid to owners of Kansas-whelped grey-
hounds which win live races at Kansas greyhound tracks and pursuant to
rules and regulations adopted by the Kansas racing and gaming commis-
sion: Provided further, That transfers from this account to the live grey-
hound racing purse supplement fund may be made in accordance with sub-
section (b) of K.S.A. 2010 Supp. 74-8767, and amendments thereto.

Provided, That transfers from the tribal gaming fund for the fiscal year
ending June 30, 2012, for official hospitality shall not exceed $1,500.

Provided, That expenditures from the expanded lottery regulation fund for
the fiscal year ending June 30, 2012, for official hospitality shall not exceed
$2,500.

Provided, That expenditures may be made from the education and training
fund for operating expenditures, including official hospitality, incurred for
hosting or providing training, in-service workshops and conferences: Pro-
vided further, That the Kansas racing and gaming commission is hereby
authorized to fix, charge and collect fees for hosting or providing training,
in-service workshops and conferences: And provided further, That such fees
shall be fixed in order to recover all or part of the operating expenditures
incurred for hosting or providing such training, in-service workshops and
conferences: And provided further, That all fees received for hosting or
providing such training, in-service workshops and conferences shall be de-
posited in the state treasury in accordance with the provisions of K.S.A.
75-4215, and amendments thereto, and shall be credited to the education
and training fund.

Provided, That expenditures may be made from the illegal gambling en-
forcement fund for direct or indirect operating expenditures incurred for
investigatory activities, including, but not limited to, (1) conducting inves-
tigations of illegal gambling operations or activities, (2) participating in
illegal gaming in order to collect or purchase evidence as part of an under-
cover investigation into illegal gambling operations, and (3) acquiring in-
formation or making contacts leading to illegal gaming activities: Provided,
however, That all moneys which are expended for any such evidence pur-
Chase, information, acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund: Provided further, That any moneys received or awarded to the Kansas racing and gaming commission for such enforcement activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On July 1, 2011, the director of accounts and reports shall transfer $450,000 from the state general fund to the tribal gaming fund of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: Provided, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2012 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission during fiscal year 2012 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) During the fiscal year ending June 30, 2012, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with subsection (b) of K.S.A. 75-5516, and amendments thereto, pursuant to bills which are presented in a timely manner by the Kansas bureau of investigation for services rendered.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund for fiscal year 2012 for the Kansas racing and gaming commission by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2012 for the state gaming agency regulatory oversight of class III gaming, including but not limited to the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming, which are hereby authorized.
(f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports (1) shall not make the transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2012, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and (2) shall transfer on or before June 30, 2012, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2012, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from the parimutuel facility licensee under authority of any other statute: Provided, That such fees shall be in addition to all taxes and other fees authorized by law: Provided further, That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee, projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund.

(h) On July 1, 2011, the expanded lottery act regulation fund of the Kansas racing and gaming commission is hereby redesignated as the expanded lottery regulation fund of the Kansas racing and gaming commission.

Sec. 103.

DEPARTMENT OF COMMERCE

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

Animal health research grant
For the fiscal year ending June 30, 2012....................... $5,000,000

Provided, That all moneys in the animal health research grant account for fiscal year 2012 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: Pro-
vided, however, That no fees shall be charged or collected for administering and awarding the animal health research grant: Provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by Kansas state university on a $1 for $1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: And provided further, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013 $5,000,000

Provided, That any unencumbered balance in the animal health research grant account in excess of $100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: Provided further, That all moneys in the animal health research grant account for fiscal year 2013 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the animal health research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Kansas state university on a $1 for $1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: And provided further, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014 $5,000,000

Provided, That any unencumbered balance in the animal health research grant account in excess of $100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: Provided further, That all moneys in the animal health research grant account for fiscal year 2014 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the animal health research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Kansas state university on a $1 for $1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: And provided further, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2014.

Aviation research grant

For the fiscal year ending June 30, 2012 $5,000,000

Provided, That all moneys in the aviation research grant account for fiscal year 2012 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: Provided, how-
ever. That no fees shall be charged or collected for administering and awarding the aviation research grant: Provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by Wichita state university on a $1 for $1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: And provided further, That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013 $5,000,000

Provided, That any unencumbered balance in the aviation research grant account in excess of $100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: Provided further, That all moneys in the aviation research grant account for fiscal year 2013 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the aviation research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Wichita state university on a $1 for $1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: And provided further, That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014 $5,000,000

Provided, That any unencumbered balance in the aviation research grant account in excess of $100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: Provided further, That all moneys in the aviation research grant account for fiscal year 2014 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the aviation research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Wichita state university on a $1 for $1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: And provided further, That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2014.

Cancer center research grant

For the fiscal year ending June 30, 2012 $5,000,000

Provided, That all moneys in the cancer center research grant account for fiscal year 2012 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce:
merce: *Provided, however,* That no fees shall be charged or collected for administering and awarding the cancer research grant: *Provided further,* That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by university of Kansas medical center on a $1 for $1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further,* That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013 ......................... $5,000,000

*Provided,* That any unencumbered balance in the cancer center research grant account in excess of $100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further,* That all moneys in the cancer center research grant account for fiscal year 2013 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *Provided, however,* That no fees shall be charged or collected for administering and awarding the cancer research grant: *And provided further,* That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by university of Kansas medical center on a $1 for $1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further,* That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014 ......................... $5,000,000

*Provided,* That any unencumbered balance in the cancer center research grant account in excess of $100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further,* That all moneys in the cancer center research grant account for fiscal year 2014 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *Provided, however,* That no fees shall be charged or collected for administering and awarding the cancer research grant: *And provided further,* That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by university of Kansas medical center on a $1 for $1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further,* That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2014.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Older Kansans employment program .............................. $293,226
Provided, That any unencumbered balance in excess of $100 as of June 30, 2011, in the older Kansans employment program account is hereby reappropriated for fiscal year 2012.

Rural opportunity zones program ........................................ $2,203,172
Senior community service employment program ... $131,486

Provided, That any unencumbered balance in excess of $100 as of June 30, 2011, in the senior community service employment program account is hereby reappropriated for fiscal year 2012.

Senior community service employment program—ARRA match ......................... $8,935
Strong military bases program ........................................... $100,000
Small technology pilot program ......................................... $100,000
Entrepreneurial centers .................................................... $968,023
Centers of excellence ..................................................... $1,358,581
MAMTC ................................................ .................... $1,025,000
Operating grant (including official hospitality) ............... $9,744,888

Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce.

Engineering expansion grants ........................................... $1,000,000

Provided, That all moneys in the engineering expansion grants account shall be for a grant program developed and administered by the secretary of commerce for the purposes of expansion of the state’s professional engineer training programs to address needs for engineers in industries that are not being met with the current levels of graduating students: Provided further, That all moneys in the engineering expansion grants account shall be for grants awarded under a competitive grant program administered by the secretary of commerce: And provided further, That all engineering expansion grant amounts authorized by the secretary of commerce shall be matched by the recipient institution on a $3 for $1 basis from other moneys of the recipient institution for the purpose for which the engineering expansion grant is awarded.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, 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:
Ch. 118] 2011 Session Laws of Kansas 2004

Job creation program fund ............................................ No limit
Publication and other sales fund .................................. No limit
Conversion of equipment and materials fund ..................... No limit
Conference registration and disbursement fund .................. No limit
Greyhound tourism fund ............................................... No limit
Reimbursement and recovery fund ................................... No limit
Community development block grant—federal fund .......... No limit
Community development block grant—federal fund—re-
volving loan account ................................................. No limit
National main street center fund .................................... No limit
IMPACT program services fund ..................................... No limit
IMPACT program repayment fund ................................... No limit
Kansas partnership fund ............................................... No limit

Provided, That the interest rate on any loan made from the Kansas partnership fund shall be annually indexed to the federal discount rate.

General fees fund .................................................... No limit

Provided, That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.

Kansas economic opportunity initiatives fund ................. No limit
Kansas existing industry expansion fund ......................... No limit

Provided, That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: Provided further, That all moneys received by the department of commerce for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas existing industry expansion fund.

Athletic fee fund .................................................... No limit
WIA adult—federal fund ............................................. No limit
WIA youth activities—federal fund ................................. No limit
WIA dislocated workers—federal fund ............................ No limit
Trade adjustment assistance—federal fund ....................... No limit
Veterans assistance program—federal fund ....................... No limit
Local veterans employment representative program—fed-
eral fund ............................................................ No limit
Wagner Peyser employment services—federal fund ........ No limit
Senior community service employment program—federal fund.................................................. No limit
Indirect cost—federal fund ................................................. No limit
State affordable airfare fund................................................ $5,000,000

Provided. That, the regional economic area partnership, hereinafter referred to as “REAP”, shall submit an annual report to the legislature on or before May 1, 2012: Provided further, That the annual report shall be delivered and REAP shall appear in person to the house committee on economic development, the house committee on appropriations, the senate committee on commerce and the senate committee on ways and means regarding such annual report: And provided further, That the secretary of commerce shall conduct an independent review of the financial reports submitted by REAP as well as an analysis of the data used by REAP: And provided further, That the secretary of commerce shall submit a report and appear in person to the house committee on economic development, the house committee on appropriations, the senate committee on commerce and the senate committee on ways and means regarding these matters: And provided further, That the secretary of commerce shall develop and implement the necessary procedures to conduct such a review.

Temporary labor certification foreign workers—federal fund.................................................. No limit
USDA cooperative—federal fund.............................................. No limit
Work opportunity tax credit—federal fund ...................................... No limit
American job link alliance—federal fund ........................................ No limit
American job link alliance job corps—federal fund ................. No limit
Early childhood associate apprenticeship program—federal fund.................................................. No limit
Modernization apprentice—federal fund............................................. No limit
Work incentive grant—federal fund............................................ No limit
Registered apprenticeship works—federal fund ...................... No limit
Neighborhood stabilization program—federal fund ................... No limit
Green jobs grant ARRA—federal fund ......................................... No limit
Enterprise facilitation fund............................................................ No limit
State broadband data development—federal fund ...................... No limit
Transition assistance program—federal fund ......................... No limit
Veteran workforce investment program—federal fund ............. No limit
Health profession opportunity—federal fund ......................... No limit
Health care workforce planning—federal fund ...................... No limit
MAMTC—federal fund............................................................... No limit

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2012, for (1) the provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute, (2) sale of publications of the department of commerce,
commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute, and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce: Provided, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: Provided further, That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue funds of the department of commerce as specified by the secretary of commerce: And provided further, That expenditures may be made from such special revenue funds of the department of commerce for fiscal year 2012, in accordance with the provisions of this or other appropriation act of the 2011 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2012 for the department of commerce as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2012 for official hospitality.

(f) On August 15, 2011, and December 15, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $625,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.

(g) On or after July 1, 2011, 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 the fiscal year 2011 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 economic development initiatives fund to the state affordable airfare fund of the department of commerce.

Sec. 104. KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State housing trust fund................................................ No limit

Provided, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation pursuant to K.S.A. 12-5242 and 12-5246 and K.S.A. 2010 Supp. 12-5252 through 12-5258, and amendments thereto: Provided further, That, notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, or any other statute, the Kansas housing resources corporation may make expenditures from the state housing trust fund for the purposes of implementing and administering the provisions of K.S.A. 2010 Supp. 12-5252 through 12-5258, and amendments thereto, the Kansas rural housing incentive district act.

Sec. 105. DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures .............................................. $409,271

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2012, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-5413 et seq., and 75-4321 et seq., and amendments thereto: And provided further, That expenditures from this account for official hospitality by the secretary of labor shall not exceed $2,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen’s compensation fee fund ......................... $13,901,253

Occupational health and safety—federal fund............... No limit

Boiler inspection fee fund........................................ No limit

General fees fund.................................................. No limit

Employment security interest assessment fund .......... No limit
Provided, That expenditures may be made from the special employment security fund for payment of communications costs: Provided further, That expenditures from this fund for payment of communications costs shall not exceed $10,000.

Employment security administration fund........................ No limit
State workplace health and safety fund ......................... No limit
Wage claims assignment fee fund ................................ No limit
Employment security computer systems institute fund ...... No limit
Department of labor special projects fund.................. ...... No limit
Federal indirect cost offset fund..................................... $404,834
Dispute resolution fund.............................. .................. No limit

Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, and amendments thereto, shall be deposited in the state treasury and credited to the dispute resolution fund: Provided further, That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees’ organization involved in such mediation and fact-finding procedures.

Employment security fund............................................ No limit

(c) In addition to the other purposes for which expenditures may be made by the department of labor from the employment security fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2012 from the employment security fund from moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of debt service on a bond issued for the rewrite of the unemployment insurance benefit system: Provided, That expenditures from the employment security fund during fiscal year 2012 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of such debt service shall not exceed $2,646,150.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2012, expenditures may be made by the above agency from the special employment security fund for fiscal year 2012 for the following capital improvement purposes: Payment on the master lease agreement for the renovation of the Eastman building on the Topeka west complex: Provided, That expenditures from this fund for fiscal year 2012 for such capital improvement purposes shall not exceed $99,625: Provided further, That all expenditures from this fund for any such capital improvement purpose shall
be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2012.

Sec. 106.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

<table>
<thead>
<tr>
<th>Operating expenditures—veteran services</th>
<th>$1,200,598</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provided, That any unencumbered balance in the operating expenditures—veterans services account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.</td>
<td></td>
</tr>
<tr>
<td>Operations—state veterans cemeteries</td>
<td>$554,971</td>
</tr>
<tr>
<td>Provided, That any unencumbered balance in the operations—state veterans cemeteries account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures from this account for official hospitality shall not exceed $1,200.</td>
<td></td>
</tr>
<tr>
<td>Operating expenditures—Kansas soldiers’ home</td>
<td>$1,917,108</td>
</tr>
<tr>
<td>Provided, That any unencumbered balance in the operating expenditures—Kansas soldiers’ home account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.</td>
<td></td>
</tr>
<tr>
<td>Operating expenditures—Kansas veterans’ home</td>
<td>$2,494,684</td>
</tr>
<tr>
<td>Provided, That any unencumbered balance in the operating expenditures—Kansas veterans’ home account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.</td>
<td></td>
</tr>
<tr>
<td>Scratch lotto—Kansas veterans’ home</td>
<td>$101,507</td>
</tr>
<tr>
<td>Scratch lotto—veterans services</td>
<td>$328,003</td>
</tr>
<tr>
<td>Scratch lotto—Kansas soldiers’ home</td>
<td>$74,444</td>
</tr>
<tr>
<td>Scratch lotto—veterans cemeteries</td>
<td>$159,458</td>
</tr>
<tr>
<td>Operating expenditures—administration</td>
<td>$426,485</td>
</tr>
<tr>
<td>Provided, That any unencumbered balance in the operating expenditures—administration account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.</td>
<td></td>
</tr>
<tr>
<td>Veterans claim assistance program—service grants</td>
<td>$469,321</td>
</tr>
<tr>
<td>Provided, That any unencumbered balance in the veterans claim assistance program—service grants account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures from the veterans claim assistance program—service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: Provided, however, That no expenditures shall be made by the Kansas commission on veterans affairs from the veterans claim assistance program—service grants account for operating expenditures or overhead</td>
<td></td>
</tr>
</tbody>
</table>
for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soldiers’ home fee fund</td>
<td>$1,719,521</td>
</tr>
<tr>
<td>Soldiers’ home benefit fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Soldiers’ home work therapy fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Soldiers’ home medicare fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Soldiers’ home canteen fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Veterans’ home medicare fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Veterans’ home canteen fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Veterans’ home medicare fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Veterans’ home benefit fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Veterans’ home fee fund</td>
<td>$3,000,003</td>
</tr>
<tr>
<td>Veterans’ home canteen fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Veterans’ home benefit fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Soldiers’ home outpatient clinic fund</td>
<td>No limit</td>
</tr>
<tr>
<td>State veterans cemeteries fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>State veterans cemeteries donations and contributions fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Outpatient clinic patient federal reimbursement fund—federal</td>
<td>No limit</td>
</tr>
<tr>
<td>VA burial reimbursement fund—federal</td>
<td>$80,538</td>
</tr>
<tr>
<td>Veterans home federal fund</td>
<td>$2,924,231</td>
</tr>
<tr>
<td>Soldiers home federal fund</td>
<td>$2,254,408</td>
</tr>
<tr>
<td>Commission on veterans affairs federal fund</td>
<td>$208,961</td>
</tr>
<tr>
<td>Kansas veterans memorials fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Vietnam war era veterans’ recognition award fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Kansas hometown heroes fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

(c) On the effective date of this act, the director of accounts and reports shall transfer $25,000 from the scratch lotto—veterans services account of the state general fund to the Vietnam war era veterans’ recognition award fund of the Kansas commission on veterans affairs: Provided, That, in addition to the other purposes for which expenditures may be made by the above agency from the Vietnam war era veterans’ recognition award fund for fiscal year 2011, expenditures shall be made by the above agency from the Vietnam war era veterans’ recognition award fund for fiscal year 2011, to acquire and send the appropriate medallions and certificates to all qualifying veterans whose applications for such medallions and certificates have been received by June 1, 2011.

(d) (1) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and
amendments thereto, or K.S.A. 2010 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2010 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(3) As used in this subsection (d), ‘‘special revenue fund’’ means the soldiers’ home fee fund, veterans’ home fee fund, soldiers’ home outpatient clinic fund, soldiers’ home benefit fund, soldiers’ home work therapy fund, veterans’ home canteen fund, soldiers’ home canteen fund, veterans’ home benefit fund, Persian Gulf War veterans health initiative fund, state veterans cemeteries fee fund, state veterans cemeteries donations and contributions fund, and Kansas veterans memorials fund.

(e) During the fiscal year ending June 30, 2011, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision of management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2011 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision of management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) During the fiscal year ending June 30, 2012, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under
the general supervision of management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2012 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 107.

DEPARTMENT OF HEALTH AND ENVIRONMENT—
DIVISION OF HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality) $3,545,224

Provided. That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment—division of health in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Operating expenditures (including official hospitality)—health $4,038,071

Provided. That any unencumbered balance in the operating expenditures (including official hospitality)—health account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Vaccine purchases $732,897

Provided. That any unencumbered balance in the vaccine purchases account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Aid to local units $4,805,709

Provided. That any unencumbered balance in the aid to local units account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.

Aid to local units—primary health projects $7,243,065

Provided. That any unencumbered balance in the aid to local units—primary health projects account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That prescription support expenditures shall be made from the aid to local units—primary health projects account for: (1) Purchase of drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2)
increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at section 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs at not-for-profit or publicly-funded primary care clinics, including federally qualified community health centers and federally qualified community health center look-alikes, as defined by 42 U.S.C. § 330, that provide comprehensive primary health care services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay: And provided further, That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted.

Aid to local units—women’s wellness ............................ $94,296

Provided, That any unencumbered balance in the aid to local units—family planning account in excess of $100 as of June 30, 2011, is hereby reappropriated to the aid to local units—women’s wellness account for fiscal year 2012. Provided further, That all expenditures from the aid to local units—women’s wellness account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs ................................................. $447,418

Provided, That any unencumbered balance in the immunization programs account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Breast cancer screening progran..................................... $219,336

Provided, That any unencumbered balance in the breast cancer screening program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Ryan White matching funds.......................................... $47,682

Provided, That any unencumbered balance in the Ryan White matching funds account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Pregnancy maintenance initiative ................................. $338,846

Provided, That any unencumbered balance in the pregnancy maintenance initiative account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Cerebral palsy posture seating .................................... $105,537

Provided, That any unencumbered balance in the cerebral palsy posture seating account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

PKU treatment ........................................................... $249,274

Provided, That any unencumbered balance in the PKU treatment account
in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Teen pregnancy prevention activities.............................. $338,846

Provided, That any unencumbered balance in the teen pregnancy prevention activities account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, 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:

Medical assistance—federal fund................................. No limit
Substance abuse and mental health services administration—federal fund................................. No limit
Breast and cervical cancer program and detection—federal fund................................. No limit
Health and environment training fee fund—health................ No limit

Provided, That expenditures may be made from the health and environment training fee fund—health for acquisition and distribution of division of health program literature and films and for participation in or conducting training seminars for training employees of the division of health of the department of health and environment, for training recipients of state aid from the division of health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of health: Provided further, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: And provided further, That such fees may be fixed in order to recover all or part of such costs: And provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund—health: And provided further, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of health from moneys appropriated from the health and environment training fee fund—health for fiscal year 2012, expenditures may be made by the department of health and environment from the health and environment training fee fund—health for fiscal year 2012 for agency operations for the division of health.

Health facilities review fund ........................................ No limit
Insurance statistical plan fund........................................ No limit
Health and environment publication fee fund—health........ No limit
Provided, That expenditures from the health and environment publication fee fund—health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

District coroners fund .................................................. No limit
Sponsored project overhead fund—health ........................ No limit
Tuberculosis elimination and laboratory—federal fund .... No limit
Maternity centers and child care facilities licensing fee fund.................................................. No limit
Child care and development block grant—federal fund...... No limit
Office of rural health—federal fund ................................ No limit
Emergency medical services for children—federal fund ... No limit
Primary care offices—federal fund ................................. No limit
Injury intervention—federal fund .................................... No limit
Oral health workforce activities—federal fund ............... No limit
Rural hospital flex program—federal fund ....................... No limit
Hospital bioterrorism preparedness—federal fund .......... No limit
Kansas coalition against sexual and domestic violence—federal fund........................................ No limit
ARRA migrant health—federal fund ................................. No limit
ARRA child care development—federal fund ................. No limit
ARRA Kansas health information exchange project—federal fund........................................ No limit
ARRA epidemiology and lab capacity—federal fund........ No limit
ARRA immunization and vaccines for children—federal fund................................................ No limit
ARRA women infants and children—federal fund ......... No limit
ARRA infant & toddlers Title I—federal fund ................. No limit
ARRA primary care offices—federal fund ....................... No limit
ARRA collaborative component I—federal fund .......... No limit
ARRA collaborative component III—federal fund ......... No limit
ARRA ambulatory surgical center ASC/HAI medicare—federal fund ........................................ No limit
ARRA prevention of healthcare associated infections—federal fund........................................ No limit
Medicare—federal fund ................................................ No limit

Provided, That transfers of moneys from the medicare—federal fund to the state fire marshal may be made during fiscal year 2012 pursuant to a contract which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Migrant health program—federal fund ......................... No limit
Refugee health—federal fund ........................................ No limit
United states department of agriculture—federal fund...... No limit
<table>
<thead>
<tr>
<th>Program</th>
<th>Federal Fund</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s mercy hospital lead program</td>
<td>Federal</td>
<td>No limit</td>
</tr>
<tr>
<td>Women, infants and children health program</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>WIC health program fund—senior farmer’s market—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Assistance for firefighters grant program—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Immunization and vaccines for children grants—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Home visiting grant—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Preventive health block grant—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Maternal and child health block grant—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>National center for health statistics—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Title X family planning services program—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Comprehensive STD prevention systems—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Children with special health care needs—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Make a difference information network—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Ryan White Title II—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Bicycle helmet distribution—federal fund</td>
<td>Federal</td>
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<tr>
<td>Bicycle helmet revolving fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>SSA fee fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Lead certification cooperation agreement—federal fund</td>
<td>Federal</td>
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<tr>
<td>Childhood lead poisoning prevention program—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>State implementation projects for prevention of secondary conditions—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Title IV-E—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>HIV prevention projects—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>HIV/AIDS surveillance—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Infants &amp; toddlers Title I—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Universal newborn hearing screening—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>State loan repayment program—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Opt-out testing initiative—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Kansas system for early registration of volunteers—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Cardiovascular health programs—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Adult lead surveillance data—federal fund</td>
<td>Federal</td>
<td>No limit</td>
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<tr>
<td>Medical reserve corps contract—federal fund</td>
<td>Federal</td>
<td>No limit</td>
</tr>
<tr>
<td>Trauma fund</td>
<td>Federal</td>
<td>No limit</td>
</tr>
</tbody>
</table>

**Provided.** That expenditures may be made by the department of health and environment for fiscal year 2012 from the trauma fund of the division of health of the department of health and environment for the stroke prevention project. **Provided further,** That expenditures from the trauma fund for official hospitality shall not exceed $2,000.

Homeland security—federal fund                                  | Federal  | No limit  |
Homeland security real ID—federal fund ........................ No limit
Special education state grants—federal fund ...................... No limit
Refugee assistance—federal fund .................................. No limit
Personal responsibility education program—federal fund .... No limit
Mammography quality standards act—federal fund .......... No limit
Education, training, and enhanced services to end violence against and abuse of women with disabilities—federal fund.......................... No limit
State surplus revenues—special revenue fund............... No limit
HRSA small hospital improvement grant program—federal fund.................................................. No limit
State indoor radon grant—federal fund ........................ No limit
HUD lead hazard control program of Kansas City—federal fund.................................................. ....... No limit
Gifts, grants and donations fund—health........................ Nolimit
Special bequest fund—health ....................................... No limit
Civil registration and health statistics fee fund............. No limit
Vital statistics system project fund ............................ No limit
Power generating facility fee fund ............................. No limit
Nuclear safety emergency preparedness special revenue fund.................................................. .................... No limit

Provided, That all moneys received by the division of health of the department of health and environment from the adjutant general from the nuclear safety emergency management fee fund of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the division of health of the department of health and environment.

Radiation control operations fee fund .......................... No limit
Lead-based paint hazard fee fund ................................ No limit
Strengthening public health infrastructure—federal fund .... No limit
Improving minority health—federal fund ...................... No limit
Abstinence education—federal fund ............................ No limit
Affordable care act—federal fund ............................. No limit
Carbon monoxide detector/fire injury prevention—federal fund .................................................. .......... No limit
Health information exchange—federal fund ................ No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2012, the following:

Healthy start .................................................. $237,914

Provided, That any unencumbered balance in the healthy start account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Infants and toddlers program................................... $5,700,000

Provided, That any unencumbered balance in the infants and toddlers pro-
gram account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Smoking prevention .................................................... $1,000,000

Provided, That any unencumbered balance in the smoking prevention account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Newborn hearing aid loaner program.............................. $47,161

Provided, That any unencumbered balance in the newborn hearing aid loaner program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

SIDS network grant..................................................... $71,374

Provided, That any unencumbered balance in the SIDS network grant account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Newborn screening...................................................... $247,114

Provided, That any unencumbered balance in the newborn screening account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(d) On July 1, 2011, and on other occasions during fiscal year 2012 when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment—division of health or of the department of health and environment—division of environment, to the sponsored project overhead fund—health of the department of health and environment—division of health.

(e) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer $559,307 from the child care and development federal fund of the department of social and rehabilitation services to the child care and development block grant—federal fund of the department of health and environment.

(f) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment—division of health, which have available moneys, to the sponsored project overhead fund—health of the department of health and environment—division of health for expenditures, as the case may be, for administrative expenses.

(g) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appro-
purchased from the state general fund or from any special revenue fund for fiscal year 2012 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of health and environment from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act: Provided, That all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service as prescribed by law and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2012 made by this or other appropriation act of the 2011 regular session of the legislature: Provided, however, That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.

(h) During the fiscal year ending June 30, 2012, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment—division of health to the sponsored project overhead fund—health of the department of health and environment—division of health pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(i) During the fiscal year ending June 30, 2012, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment—division of health or the department of health and environment—division of environment to another item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment—division of health or the department of health and environment—division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) In addition to the other purposes for which expenditures may be made by the department of health and environment—division of health from moneys appropriated from the district coroners fund for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made
by the department of health and environment—division of health from such moneys appropriated from the district coroners fund for fiscal year 2012 pursuant to K.S.A. 22a-242, and amendments thereto.

(k) On July 1, 2011, the director of accounts and reports shall transfer $200,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

(l) During the fiscal year ending June 30, 2012, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by the department of health and environment—division of health for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and, if any moneys remain, then, Second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services: Provided, That, as used in this subsection “hospitals” shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and “federally qualified health center” shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.

(m) During the fiscal year ending June 30, 2012, 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 from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Bill No. 2035: Provided, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to carry out and administer the provisions of 2011 House Bill No. 2035 shall not exceed $70,380.

(n) During the fiscal year ending June 30, 2012, 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 from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other
appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36: Provided, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36 shall not exceed $67,165: Provided further, That, if 2011 House Substitute for Senate Bill No. 36 is not passed by the legislature during the 2011 regular session and enacted into law, then no expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36.

Sec. 108.

DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Health policy operating expenditures............................... $14,482,995

Provided, That any unencumbered balance in the operating expenditures account of the Kansas health policy authority in excess of $100 as of June 30, 2011, is hereby reappropriated to the health policy operating expenditures account of the above agency for fiscal year 2012: Provided further, That expenditures shall be made from the health policy operating expenditures account of the above agency for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program.

Office of the inspector general........................................ $78,219

Provided, That any unencumbered balance in the office of the inspector general account of the Kansas health policy authority in excess of $100 as of June 30, 2011, is hereby reappropriated to the office of the inspector general account of the above agency for fiscal year 2012.

Other medical assistance .............................................. $539,392,132

Provided, That any unencumbered balance in the other medical assistance account of the Kansas health policy authority in excess of $100 as of June 30, 2011, is hereby reappropriated to the other medical assistance account of the above agency for fiscal year 2012: Provided further, That expenditures may be made from the other medical assistance account by the above
agency for the purpose of implementing or expanding any prior authorization project: And provided further, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the joint committee on health policy oversight prior to the start of the regular session of the legislature in 2012.

Children’s health insurance program............................ $17,293,612

Provided, That any unencumbered balance in the children’s health insurance program account of the Kansas health policy authority in excess of $100 as of June 30, 2011, is hereby reappropriated to the children’s health insurance program account of the above agency for fiscal year 2012: Provided further, That no increases shall be made to monthly premium payments for the state children’s health insurance program until approval of the increase is received by the division of health care finance of the department of health and environment from the federal centers for medicare and medicaid services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care program fund......................... $667,947
Cafeteria benefits fund........................................ No limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed $1,979,603.

State workers compensation self-insurance fund .............. No limit
Provided, That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed $3,512,791.

Dependent care assistance program fund....................... No limit
Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed $430,915.

Non-state employer group benefit fund ....................... $163,931
Division of health care finance special revenue fund ....... No limit
Provided, That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $1,000.

Health committee insurance fund............................ $287,939
Health care database fee fund............................... $76,938
Medical programs fee fund ................................... $50,529,602
Health benefits administration clearing fund—remit admin service org............................................... No limit

Provided, That expenditures from the health benefits administration clearing fund—remit admin service org for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed $7,854,305.

Health insurance premium reserve fund........................... No limit
Other state fees fund.......................................................... $627,912
Health care access improvement fund............................... $33,300,000
Children’s health insurance program federal fund........... No limit
State planning—health care—uninsured fund............... No limit
Demonstration to maintain independence in employment fund.......................................................... No limit
Medicaid infrastructure grant—disability employment federal fund................................................ No limit
HIV care formula grant federal fund.......................... No limit
Medical assistance program federal fund......................... No limit
Quality care fund ................................................................. $0
Quality based community assessment fund......................... No limit

(c) During the fiscal year ending June 30, 2012, any moneys donated or granted to the division of health care finance of the department of health and environment and any federal funds received as match to such donations or grants by the division of health care finance of the department of health and environment for the fiscal year ending June 30, 2012, shall only be expended by the division of health care finance of the department of health and environment to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: Provided, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $2,005,697 from the medical programs fee fund to the state general fund.
Sec. 109. DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality)........ $6,931,329

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment—division of environment in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Local environmental protection program.......................... $750,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Radiation control operations fee fund........................... No limit
Mined-land conservation and reclamation fee fund............. No limit
Publication fee fund—environment................................ No limit
Solid waste management fund................................. No limit

Provided, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2012, for official hospitality:

Provided further, That such expenditures for official hospitality shall not exceed $2,500.

Public water supply fee fund...................................... No limit
Voluntary cleanup fund........................................... No limit
Storage tank fee fund............................................. No limit
Air quality fee fund............................................... No limit
Hazardous waste collection fund................................ No limit
Power generating facility fee fund—environment............... No limit
Health and environment training fee fund—environment.... No limit

Provided, That expenditures may be made from the health and environment training fee fund—environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: Provided further, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: And provided
further, That such fees may be fixed in order to recover all or part of such costs: And provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund—environment: And provided further, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund—environment for fiscal year 2012, expenditures may be made by the department of health and environment from the health and environment training fee fund—environment for fiscal year 2012 for agency operations for the division of environment.

Driving under the influence equipment fund .................... No limit
Waste tire management fund ...................................... No limit
Health and environment publication fee fund—environment ........................................ No limit
Provided, That expenditures from the health and environment publication fee fund—environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

Local air quality control authority regulation services fund ........................................ No limit
Surface mining fee fund ........................................ No limit
Environmental response fund .................................. No limit
Sponsored project overhead fund—environment .......... No limit
Chemical control fee fund ..................................... No limit
QuantiFERON TB laboratory fund .......................... No limit
Resource conservation and recovery act—federal fund.... No limit
EPA water protection—STAG—federal fund ................ No limit
Superfund state cooperative agreements—federal fund.... No limit
Water supply—federal fund ..................................... No limit
Air quality section 103—federal fund ....................... No limit
EPA—core support—federal fund ............................. No limit
Network exchange grant—federal fund ..................... No limit
ARRA Kansas clean diesel assistance program grant—federal fund .................................... No limit
Multi-media capacity building—federal fund ................ No limit
Brownfields assistance cleanup cooperative—federal fund ................................................. No limit
Performance partnership grants—federal fund ............ No limit
Lab TB testing expansion—federal fund ..................... No limit
Kansas clean diesel grant—federal fund .................... No limit
Air quality program—federal fund ........................... No limit
Section 106 monitoring initiative—federal fund .......... No limit
Air quality section 105—federal fund ........................................ No limit
Leaking underground storage tank trust—federal fund ........ No limit
Surface mining control and reclamation act—federal fund........ No limit
Abandoned mined-land—federal fund........................................ No limit
Department of defense and state cooperative agreement—federal fund .................................................. No limit
EPA non-point source—federal fund ........................................ No limit
Pollution prevention program—federal fund ......................... No limit
EPA operator expense reimbursement for drinking water—federal fund .................................................. No limit
EPA water monitoring—federal fund ........................................ No limit
Gifts, grants and donations fund—environment .................... No limit
Special bequest fund—environment..................................... No limit
Aboveground petroleum storage tank release trust fund .... No limit
Underground petroleum storage tank release trust fund...... No limit
Drycleaning facility release trust fund................................. No limit
Public water supply loan fund ............................................. No limit
Public water supply loan operations fund ......................... No limit
Kansas water pollution control revolving fund ..................... No limit

Provided, That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L.92-500) shall be credited to the Kansas water pollution control revolving fund: Provided further, That expenditures from this fund shall be made to provide for the payment of such matching grants.

Kansas water pollution control operations fund .................. No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds ............................ No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds ........................................ No limit
Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds ...................... No limit
Debt service reserve fund ................................................... No limit
EPA water related grants—federal fund ............................. No limit

Provided, That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the EPA water related grants—federal fund.

Chemical control—federal fund ......................................... No limit
Subsurface hydrocarbon storage fund ................................. No limit
Clean air leadership—federal fund ..................................... No limit
Natural resources damages trust fund ............................... No limit
Hazardous waste management fund ................................. No limit
Brownfields revolving loan program—federal fund ............. No limit
Mined-land reclamation fund .......................... No limit
Abandoned mine land—federal fund ................. No limit
Operator outreach training program—federal fund .... No limit
Underground storage tank—federal fund................ No limit
EPA underground injection control—federal fund..... No limit
Laboratory medicaid cost recovery fund—environment No limit
Diagnostic X-ray program—federal fund .............. No limit
EPA state response program—federal fund ............ No limit
Environmental use control fund ........................ No limit
Environmental response remedial activity specific sites— No limit
    federal fund ........................................
Emergency environmental response—nonspecific sites federal fund .................. No limit
Chemical control—federal fund ........................ No limit
Medicare program—environment—federal fund ........ No limit
EPA pollution prevention—federal fund ............... No limit
Inspections Kansas infrastructure projects—federal fund .................. No limit
Marais Des Cygnes targeted watershed project—federal fund .................. No limit
Healthy watershed initiative—federal fund .......... No limit
Salt solution mining well plugging fund .............. No limit
Kansas essential fuels supply trust fund .............. No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2012, for the state water plan project or projects specified as follows:

Contamination remediation ............................ $790,118

Provided. That any unencumbered balance in the contamination remediation account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

TMDL initiatives and use attainability analysis ........ $237,097

Provided. That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Watershed restoration and protection plan ................ $716,351

Provided. That any unencumbered balance in the watershed restoration and protection plan account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Nonpoint source program ................................ $374,044

Provided. That any unencumbered balance in the nonpoint source program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(d) There is appropriated for the above agency from the children’s in-
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(2) During the fiscal year ending June 30, 2012, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the department of health and environment—division of environment to another item of appropriation for fiscal year 2012 from the state water plan fund for the department of health and environment—division of environment: Provided, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

(f) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund of the department of health and environment which are directed to be made on or before the tenth day of each month by K.S.A. 65-3024, and amendments thereto.

(g) On July 1, 2011, and on other occasions during fiscal year 2012 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment—division of health or of the department of health and environment—division of environment, to the sponsored project overhead fund—environment of the department of health and environment—division of environment.

(h) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment—division of environment, which have available moneys, to the sponsored project overhead fund—environment of the department of health and environment—division of environment or to the sponsored project overhead fund—health of the department of health and environment—division of health, as the case may be, for expenditures for administrative expenses.

(i) During the fiscal year ending June 30, 2012, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state initiatives fund for the fiscal year ending June 30, 2012, for the project specified as follows:

- Newborn screening: $1,862,846

(e) During the fiscal year ending June 30, 2012, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the department of health and environment—division of environment to another item of appropriation for fiscal year 2012 from the state water plan fund for the department of health and environment—division of environment: Provided, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

(f) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund of the department of health and environment which are directed to be made on or before the tenth day of each month by K.S.A. 65-3024, and amendments thereto.

(g) On July 1, 2011, and on other occasions during fiscal year 2012 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment—division of health or of the department of health and environment—division of environment, to the sponsored project overhead fund—environment of the department of health and environment—division of environment.

(h) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment—division of environment, which have available moneys, to the sponsored project overhead fund—environment of the department of health and environment—division of environment or to the sponsored project overhead fund—health of the department of health and environment—division of health, as the case may be, for expenditures for administrative expenses.

(i) During the fiscal year ending June 30, 2012, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state initiatives fund for the fiscal year ending June 30, 2012, for the project specified as follows:

- Newborn screening: $1,862,846
general fund for the department of health and environment—division of health or the department of health and environment—division of environment to another item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment—division of health or the department of health and environment—division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) During the fiscal year ending June 30, 2012, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment—division of environment to the sponsored project overhead fund—environment of the department of health and environment—division of environment pursuant to this section may include amounts equal to not more than 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(k) In addition to the other purposes for which expenditures may be made by the department of health and environment—division of environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of health and environment—division of environment from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the purpose of seeking a solution to clean up the sewer water contamination problems in certain property in the city of Eudora.

Sec. 110. DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:
Administration.......................................................... $1,254,080
Provided, That any unencumbered balance in the administration account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:
Provided, however, That expenditures from this account for official hospitality shall not exceed $550.

Administration—assessments ........................................ $70,880
Provided, That any unencumbered balance in the administration—assessments account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Administration—assessments—Level II care.................... $42,946
Provided, That any unencumbered balance in the administration—assessments—Level II care account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Provided, That any unencumbered balance in the administration—assessments—Level I care account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That any unencumbered balance in the administration—medicaid account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That any unencumbered balance in the administration—older Americans act match account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That any unencumbered balance in the senior care act account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary of aging a report for fiscal year 2011 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2011: And provided further, That the secretary of aging shall submit to the senate committee on ways and means at the beginning of the 2012 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2011: And provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Provided, That any unencumbered balance in the program grants—nutrition—state match account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That each grant agreement with an area agency on aging for a grant from the program grants—nutrition—state match account shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2011 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2011: And provided further, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2012 regular session of the legislature a report of the information con-
tained in such reports from the area agencies on aging on expenditures for federal fiscal year 2011. And provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC—medicaid assistance—TCM/FE............................... $2,200,000
Provided, That any unencumbered balance in the LTC—medicaid assistance—TCM/FE account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC—medicaid assistance—TCM/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Provided, That any unencumbered balance in the LTC—medicaid assistance—HCBS/FE account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC—medicaid assistance—HCBS/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC—medicaid assistance—NF .................................... $166,000,000
Provided, That any unencumbered balance in the LTC—medicaid assistance—NF account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That notwithstanding the provisions of K.S.A. 2010 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary of aging shall institute trending methods to provide rate increases for nursing facilities for fiscal year 2012.

Provided, That any unencumbered balance in the LTC—medicaid assistance—PACE account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That all expenditures made from the LTC—medicaid assistance—PACE account shall be for the PACE program: And provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures

Provided, That any unencumbered balance in the LTC—medicaid assistance—PACE account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That all expenditures made from the LTC—medicaid assistance—PACE account shall be for the PACE program.
from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Nursing facilities regulation ............................................... $229,768

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Nursing facilities regulation—title XIX.............................. $859,256

Provided, That any unencumbered balance in the nursing facilities regulation—title XIX account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Any unencumbered balance in the LTC—medicaid assistance—MFP account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

AoA demonstration lifespan respite project...................... No limit
Community putting prevention to work.......................... No limit
Special program for aging IIIB—federal fund ................. No limit
Special program for aging IIIC—federal fund ................. No limit
Special program for aging IIID—federal fund ................. No limit
National family caregiver support program IIIE—federal fund.............. No limit
Special program for aging IV & II—federal fund.............. No limit
Special program for aging VII-2—federal fund ............... No limit
Special program for aging VII-3—federal fund ............... No limit
Alzheimer’s disease fund........................................... No limit
Survey & Certification—federal fund.......................... No limit
Center for medicare/medicaid service—federal fund........ No limit
Money follows the person grant—federal fund.............. No limit
Medicaid assistance program—federal fund.................. No limit

Provided, That transfers of moneys from the title XIX fund—federal to the state fire marshal may be made during fiscal year 2012 pursuant to a contract which is hereby authorized to be entered into by the secretary of aging with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Social service block grant fund................................. $4,399,305

Provided, That each grant agreement with an area agency on aging for a grant from the senior care act—social service block grant fund shall require the area agency on aging to submit to the secretary of aging a report for fiscal year 2011 by the area agency on aging which shall include infor-
mation about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2011: Provided further, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2012 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2011: And provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services which are determined to be the most economical services available.

Nutrition service incentive program fund—federal ............ No limit
Senior citizen nutrition check-off fund ......................... No limit
Conferences and workshops attendance and publications fees fund .......................................................... No limit

Provided, That the secretary of aging is hereby authorized to fix, charge and collect conference and workshop attendance fees for conferences and workshops sponsored by the department on aging and fees for copies of publications: Provided further, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the conferences and workshops attendance and publications fees fund: And provided further, That expenditures may be made from this fund to defray all or part of the costs of such conferences and workshops including official hospitality and of such publications.

Health policy nursing facility quality care fund .............. $19,577,801
Provided, That the secretary of aging, acting as the agent of the Kansas health policy authority, is hereby authorized to collect the quality care assessment under K.S.A. 2010 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2010 Supp. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the health policy nursing facility quality care fund: Provided further, That all moneys in the health policy nursing facility quality care fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 2010 Supp. 75-7435, and amendments thereto.

State licensure fee fund ........................................ $1,368,771
General fees fund .................................................. No limit
Provided, That the secretary of aging is hereby authorized to collect (1) fees from the sale of surplus property, (2) fees charged for searching, copying and transmitting copies of public records, (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property, and (4) other miscellaneous fees: Provided
further, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: And provided further, That expenditures shall be made from this fund to meet the obligations of the department on aging, or to benefit and meet the mission of the department on aging.

Gifts and donations fund ........................................ No limit

Provided, That the secretary of aging is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: Provided further, That such gifts and donations of money shall be deposited in the state treasury and credited to the gifts and donations fund.

Medical resources and collection fund ................................ No limit

Provided, That all moneys received or collected by the secretary of aging due to medicaid overpayments shall be deposited in the state treasury and credited to the medical resources and collection fund and expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: Provided further, That all moneys received or collected by the secretary of aging due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury and credited to this fund and expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund—grants—federal........................................... No limit

Senior services fund .................................................. No limit

Long-term care loan and grant fund.............................. No limit

Intergovernmental transfer administration fund.............. $0

Non-government grant fund ....................................... No limit

Health facilities review fund ..................................... No limit

Medicare enrollment assistance program fund—federal....... No limit

(c) During the fiscal year ending June 30, 2012, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the department on aging to another item of appropriation for fiscal year 2012 from the state general fund for the department on aging. The secretary of aging shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department of social and rehabilitation services and in addition to the other purposes for which expenditures may be made by the department of health and environment—division of health from moneys appropriated from the state general fund or any special revenue fund for
fiscal year 2012 for the department of health and environment—division of health, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the secretary of social and rehabilitation services and the secretary of health and environment for fiscal year 2012 to enter into a contract with the secretary of aging, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary of aging to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404, and amendments thereto, in conjunction with the performance of such powers, duties, functions and responsibilities and investigations by the secretary of social and rehabilitation services and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary of social and rehabilitation services or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2012: Provided, That, in addition to the other purposes for which expenditures may be made by the department on aging from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department on aging, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2012 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: Provided further, That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.

during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC—medicaid assistance—NF account of the state general fund of the department on aging to the LTC—medicaid assistance—HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: Provided, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2011, and on June 1, 2012, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: Provided further, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: And provided further, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: And provided further, That the department of social and rehabilitation services shall report to the legislature at the
beginning of the regular session in 2012 with expenditure data regarding this program.

Sec. 111.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

State operations ........................................................ $105,476,511

Provided, That any unencumbered balance in the state operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto: And provided further, That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed $500: And provided further, That expenditures shall be made from this account to contract with Kansas legal services for the purpose of providing legal representation and disability determination case management:

Alcohol and drug abuse services grants.......................... $3,029,539

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Mental health and retardation services aid and assistance ... $168,131,167

Provided, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas neurological institute—operating expenditures........ $10,474,409

Provided, That any unencumbered balance in the Kansas neurological institute—operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the Kansas neurological institute—operating expenditures account for official hospitality by the superintendent shall not exceed $150: Provided further, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital—operating expenditures............... $30,559,790
Provided, That any unencumbered balance in the Larned state hospital—operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the Larned state hospital—operating expenditures account for official hospitality by the superintendent shall not exceed $150: Provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Larned state hospital—sexual predator treatment program. $12,990,675

Provided, That any unencumbered balance in the Larned state hospital—sexual predator treatment program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Osawatomie state hospital—operating expenditures........... $14,481,332

Provided, That any unencumbered balance in the Osawatomie state hospital—operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures from the Osawatomie state hospital—operating expenditures account for official hospitality by the superintendent shall not exceed $150.

Parsons state hospital and training center—operating expenditures............................................... $10,373,289

Provided, That any unencumbered balance in the Parsons state hospital and training center—operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures from the Parsons state hospital and training center—operating expenditures account for official hospitality by the superintendent shall not exceed $150: And provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: And provided further, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility—operating expenditures .... $4,536,818

Provided, That any unencumbered balance in the Rainbow mental health facility—operating expenditures account in excess of $100 as of June 30,
2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures from the Rainbow mental health facility—operating expenditures account for official hospitality by the superintendent shall not exceed $150.

Children’s mental health initiative......................... $1,408,418

Provided, That any unencumbered balance in the children’s mental health initiative account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That no expenditures shall be made from the children’s mental health initiative account for inpatient hospital beds for children.

Youth services aid and assistance........................... $99,098,413

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Vocational rehabilitation aid and assistance ............... $5,965,139

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: Provided, however, That all such expenditures for durable equipment or assistive technology devices shall require a $1 for $1 match from non-state sources: And provided further, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker’s compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state.

Cash assistance.................................................. $46,069,941

Provided, That any unencumbered balance in the cash assistance account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Community based services................................. $87,187,295

Provided, That any unencumbered balance in the community based services account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Other medical assistance ................................. $120,322,135

Provided, That any unencumbered balance in the other medical assistance account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Community mental health centers supplemental funding .... $2,347,363

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund ............................................... $46,752,996

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: Provided further, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians’ malpractice insurance.

Nonfederal reimbursements fund ................................ No limit

Provided, That all nonfederal reimbursements received by the department of social and rehabilitation services shall be deposited in the state treasury and credited to the nonfederal reimbursements fund: Provided further, That moneys in the nonfederal reimbursements fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians’ malpractice insurance, and for transfers to the social welfare fund.

Kansas neurological institute fee fund............................. $1,596,227

Kansas neurological institute—foster grandparents program—federal fund ....................................... No limit

Kansas neurological institute—FGP gifts, grants, donations special .................................................. No limit

Kansas neurological institute—FGP gifts, grants, donations fund.................................................... No limit

Kansas neurological institute—patient benefit fund......... No limit

Kansas neurological institute—work therapy patient benefit fund...................................................... No limit

Kansas neurological institute—conferences fees fund ...... No limit

Provided, That all moneys received as fees for conference activities by Kansas neurological institute shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas neurological institute—conferences fees fund: Provided further, That the superintendent of Kansas neurological institute is hereby authorized to fix, charge and collect fees for conference activities sponsored by Kansas neurological institute: And provided further, That expenditures may be made from this fund to defray the costs of such conference activities.

Larned state hospital fee fund...................................... $4,466,620
Provided, That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Osawatomie state hospital—training fee revolving fund:

Provided further, That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: And provided further, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

Osawatomie state hospital fee fund........................................ $9,016,254

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Osawatomie state hospital fee fund: Provided further, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: And provided further, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.

Parsons state hospital and training center—canteen fund.... No limit

Parsons state hospital and training center—patient benefit fund........................................ No limit

Parsons state hospital and training center—work therapy pa-

 Patient benefit fund ................................................. No limit

Parsons state hospital and training center fee fund .............. $1,354,867

Provided, That all moneys received as fees for the use of video teleconfer-
encing equipment at Parsons state hospital and training center shall be de-
posited in the state treasury in accordance with the provisions of K.S.A.
75-4215, and amendments thereto, and shall be credited to the video tele-
conferencing fee account of the Parsons state hospital and training center
fee fund: Provided further, That all moneys credited to the video telecon-
ferencing fee account shall be used solely for the servicing, maintenance
and replacement of video teleconferencing equipment at Parsons state hos-
pital and training center: And provided further, That any expenditures from
the video teleconferencing fee account shall be in addition to any expend-
iture limitation imposed on the Parsons state hospital and training center
fee fund.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rainbow mental health facility fee fund</td>
<td>$2,469,445</td>
</tr>
<tr>
<td>Rainbow mental health facility—patient benefit fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Rainbow mental health facility—work therapy patient benefit fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Social services clearing fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Social welfare fund</td>
<td>$29,083,212</td>
</tr>
<tr>
<td>Other state fees fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Substance abuse/mental health services federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Child welfare services state grants federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Community mental health block grant federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Social services block grant—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Child care/development block grant federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Money follows the person grant federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Temporary assistance to needy families federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Prevention/treatment substance abuse federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Promoting safe/stable families federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Title IVE foster care federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Medical assistance program federal fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>
| Rehabilitation services—vocational rehabilita-
  tion federal fund                        | No limit     |
| Enhance child safety—parental substance abuse federal fund | No limit |
| SRS enterprise fund                        | No limit     |
| SRS trust fund                             | No limit     |
| Problem gambling and addictions grant fund  | No limit     |
| Child support enforcement federal fund      | No limit     |
| Energy assistance block grant federal fund  | No limit     |
| Family and children trust account—family and children investment fund | No limit |

Provided, That expenditures from the family and children trust account—
family and children investment fund for official hospitality shall not exceed
$1,500.

Low-income home energy assistance federal fund        No limit
<table>
<thead>
<tr>
<th>Program</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commodity support food program federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Social security—disability insurance federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Supplemental nutrition assistance program federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Emergency food assistance program federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Child care and development mandatory and matching federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Community-based child abuse prevention grants federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Chafee education and training vouchers program federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Title IV-E FDF federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Adoption incentive payments federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>State sexual assault and domestic violence coalitions grants federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Public health/social services emergency response federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Assistance in transition from homelessness federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Adoption assistance federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Chafee foster care independence program federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Traumatic brain injury state demonstration grant program federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Refugee and entrant assistance federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Head start federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Developmental disabilities basic support federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Children’s justice grants to states federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Child abuse and neglect state grants federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Alternatives to psych. resid. treatment facilities for children federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Independent living state grants federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Independent living services for older blind federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Supported employment for individuals with severe disabilities federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Rehabilitation training—general training federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>CMS research, demonstration and evaluations federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Administrative matching grants for food assistance program federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Temporary assistance for needy families emergency funds federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Rehabilitation services—vocational rehabilitation—ARRA federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Independent living older blind—ARRA federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Substance abuse performance outcome grant federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Prevention fellowship program grant federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Federal Olmstead grant federal fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>
ADAS data collection grant federal fund ......................... No limit
Child care discretionary federal fund .......................... No limit
Money follows the person rebalancing demonstration federal fund ............................................................... No limit
Substance abuse and mental health services—projections of regional and national significance federal fund ........ No limit
Supplemental security income federal fund ........................ No limit
Child support enforcement research federal fund ........ No limit
Mental health research grants federal fund ........................ No limit
Child abuse and neglect discretionary federal fund ........ No limit
Children’s health insurance federal fund ......................... No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2012, the following:

Children’s cabinet accountability fund ................................ $519,325

Provided. That any unencumbered balance in the children’s cabinet accountability fund account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Children’s mental health waiver .................................. $3,800,000

Provided. That any unencumbered balance in the children’s mental health waiver account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Child care ............................................................... $5,033,679

Provided. That any unencumbered balance in the child care account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Children’s cabinet early childhood discretionary grant program ................................................................. $7,158,744

Provided. That any unencumbered balance in the children’s cabinet early childhood discretionary grant program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Early head start ....................................................... $66,584

Provided. That any undercumbered balance in the early head start account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Family preservation ..................................................... $3,106,605

Provided. That any unencumbered balance in the family preservation account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Quality initiative infants & toddlers .................................. $479,257

Provided. That any unencumbered balance in the quality initiative infants and toddlers account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Early childhood block grant................................. $10,615,408

*Provided,* That any unencumbered balance in the early childhood block grant account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Reading roadmap program................................. $933,137

*Provided,* That all expenditures from the reading roadmap program account shall be for grants awarded on a competitive basis for proposals for reading centers based on research-based models in targeted school districts with the long-term goal of improving fourth-grade reading scores: *Provided further,* That the grants shall require a $1 for $1 match from nonstate government or private sources: *And provided further,* That the goals of the reading roadmap program are to encourage and expand early childhood reading as a means of lifting children out of poverty.

Family centered system of care............................ $4,750,000

*Provided,* that any unencumbered balance in the family centered system of care account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2012, the following:

Children’s cabinet administration......................... $262,007

(e) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

Energy conservation improvement debt service ............ $66,279

Larned state hospital—city of Larned wastewater treatment.............................................. $124,827

*Provided,* That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the Larned state hospital—city of Larned wastewater treatment account of the state institutions building fund for payment of Larned state hospital’s portion of the city of Larned’s wastewater treatment system.

(f) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2012 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of
accounts and reports and shall transmit a copy of each such certification to
the director of legislative research.

(g) During the fiscal year ending June 30, 2012, the secretary of social
and rehabilitation services, with the approval of the director of the budget
and subject to the provisions of federal grant agreements, may transfer
moneys received under a federal grant that are credited to a federal fund of
the department of social and rehabilitation services, or of any institution or
facility under the general supervision and management of the secretary of
social and rehabilitation services, to another federal fund of the department
of social and rehabilitation services, or of another institution or facility
under the general supervision and management of the secretary of social
and rehabilitation services. The secretary of social and rehabilitation serv-
cices shall certify each such transfer to the director of accounts and reports
and shall transmit a copy of each such certification to the director of legis-
latve research.

(h) On July 1, 2011, the superintendent of Osawatomie state hospital,
on the approval of the director of accounts and reports, shall transfer an
amount specified by the superintendent from the Osawatomie state hospi-
tal—canteen fund to the Osawatomie state hospital—patient benefit fund.

(i) On July 1, 2011, the superintendent of Parsons state hospital and
training center, upon the approval of the director of accounts and reports,
shall transfer an amount specified by the superintendent from the Parsons
state hospital and training center—canteen fund to the Parsons state hospital
and training center—patient benefit fund.

(j) On July 1, 2011, the superintendent of Larned state hospital, upon
the approval of the director of accounts and reports, shall transfer an amount
specified by the superintendent from the Larned state hospital—canteen
fund to the Larned state hospital—patient benefit fund.

(k) On July 1, 2011, or as soon thereafter as moneys are available, the
director of accounts and reports may transfer, in one or more amounts, from
the nonfederal reimbursements fund to the social welfare fund the amount
specified by the secretary of social and rehabilitation services.

(l) During the fiscal year ending June 30, 2012, all moneys received
by the secretary of social and rehabilitation services, to provide an endo-
ment to provide interest earnings for the purposes for which expenditures
may be made from the family and children trust account of the family and
children investment fund, shall be deposited in the state treasury to the credit
of the family and children endowment account of the family and children
investment fund.

(m) During the fiscal year ending June 30, 2012, to the extent it is
determined by the secretary of social and rehabilitation services to be cost
effective, the secretary of social and rehabilitation services shall apply for
and accept donations from private sources to provide an endowment to
provide interest earnings for the purposes for which expenditures may be
made from the family and children trust account of the family and children
investment fund. During the fiscal year ending June 30, 2012, upon receipt of one or more donations of moneys from private sources for deposit to the credit of the family and children endowment account of the family and children investment fund, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2012 for payments into the family and children endowment account of the family and children investment fund that match the aggregate amount of all such donations and that are equal to the aggregate amount of moneys donated to and credited to the family and children endowment account of the family and children investment fund during fiscal year 2012.

(n) During the fiscal year ending June 30, 2012, no moneys paid by the department of social and rehabilitation services from the mental health and retardation services aid and assistance account of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the department of social and rehabilitation services, the legislative division of post audit, or another state agency with access to its financial records upon request for such access.

(o) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2012 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the department of social and rehabilitation services: Provided, That in accordance with the provisions of federal law, the secretary of social and rehabilitation services shall not deny services to children under the home and community based services programs based on the failure of any parent to pay such fees: Provided further, That such fees shall be fixed by adoption of a sliding fee scale established by the secretary of social and rehabilitation services and such fees shall recover all or part of the expenses incurred in providing such services: And provided further, That such fees shall be reduced or waived in cases of demonstrable hardship and for families who are at or below 200% of the federal poverty level and who are receiving home and community based services: And provided further, That all moneys received by the department of social and rehabilitation services for such fees shall be deposited in the state treasury
in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the social welfare fund.

(p) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC—medicaid assistance—NF account of the state general fund of the department on aging to the LTC—medicaid assistance—HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: Provided, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2011, and on June 1, 2012, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: Provided further, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: And provided further, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: And provided further, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2012 with expenditure data regarding this program.

(q) On July 1, 2011, or as soon thereafter as money is available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $900,000 from the problem gambling and addiction grant fund of the department of social and rehabilitation services to the state general fund: Provided, That the transfer of such amount shall be in addition to any other transfer from the problem gambling and addictions grant fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the problem gambling and addictions grant fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of social and rehabilitation services by other state agencies which receive appropriations from the state general fund to provide such services.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the child care/development block grant federal fund or any other special revenue fund or funds for fiscal year 2012, expenditures shall be made by the above agency from the child care/development block grant federal fund or any other special revenue fund or funds for fiscal year 2012 in an amount of not less than $10,202,779, to provide funding for the early head start program.

(s) On July 1, 2011, or as soon thereafter as money is available, the
director of accounts and reports shall transfer $6,700,000 from the state general fund to the children’s initiatives fund.

Sec. 112.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Kansas guardianship program ........................................ $1,149,493

Provided, That any unencumbered balance in the Kansas guardianship program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Sec. 113.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality) ....... $10,411,517

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Special education services aid ....................................... $427,717,630

Provided, That any unencumbered balance in the special education services aid account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: And provided further, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983, and amendments thereto: And provided further, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978, and amendments thereto.

General state aid ...................................................... $1,902,775,680

Provided, That an unencumbered balance in the general state aid account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That, if the aggregate amount of moneys appropriated or reappropriated in the general state aid account by this section for fiscal year 2012 is less than the amount equal to 50% of the joint estimate of revenue to the state general fund for fiscal year 2012 conducted on or before April 20, 2012 pursuant to K.S.A. 2010 Supp. 75-6702, and
amendments thereto, then an additional amount equal to the difference between such aggregate amount and 50% of such joint estimate amount is appropriated from the state general fund for general state aid for the above agency for the fiscal year ending June 30, 2012.

Supplemental general state aid........................................... $339,212,000

Provided, That any unencumbered balance in the supplemental general state aid account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Discretionary grants..................................................... $322,500

Provided, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2012, in the amount not less than $125,000 for after school programs for middle school students in the sixth, seventh and eighth grade: Provided further, That the after school programs may also include fifth and ninth grade students, if they attend a junior high: And provided further, That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: And provided further, That the discretionary grants awarded to after school programs shall require a $1 for $1 local match: And provided further, That the aggregate amount of discretionary grants awarded to any one after school program shall not exceed $25,000.

School food assistance .................................................. $2,487,458

School safety hotline ..................................................... $10,000

KPERS—employer contributions........................................ $389,062,720

Provided, That any unencumbered balance in the KPERS—employer contributions account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That all expenditures from the KPERS—employer contributions account shall be for payment of participating employers’ contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: And provided further, That expenditures from this account for the payment of participating employers’ contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Educable deaf-blind and severely handicapped children’s programs aid......................................................... $110,000

School district juvenile detention facilities and Flint Hills job corps center grants........................................ $6,012,355

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account...
for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-8187, and amendments thereto.

Any unencumbered balance in the governor’s teaching excellence scholarships and awards account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That all expenditures from the governor’s teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-1398, and amendments thereto: And provided further, That each such grant shall be required to be matched on a $1 for $1 basis from nonstate sources: And provided further, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: And provided further, That all moneys received by the department of education for repayment of grants for governor’s teaching excellence scholarships shall be deposited in the state treasury and credited to the governor’s teaching excellence scholarships program repayment fund.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State school district finance fund</td>
<td>No limit</td>
</tr>
<tr>
<td>School district capital improvements fund</td>
<td>No limit</td>
</tr>
<tr>
<td>School district capital outlay state aid fund</td>
<td>$0</td>
</tr>
<tr>
<td>Conversion of materials and equipment fund</td>
<td>No limit</td>
</tr>
<tr>
<td>State safety fund</td>
<td>No limit</td>
</tr>
<tr>
<td>School bus safety fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Motorcycle safety fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Federal indirect cost reimbursement fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Teacher and administrator fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Food assistance—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Education jobs fund—federal</td>
<td>No limit</td>
</tr>
<tr>
<td>Food assistance—school breakfast program—federal</td>
<td>No limit</td>
</tr>
<tr>
<td>Food assistance—national school lunch program—federal</td>
<td>No limit</td>
</tr>
<tr>
<td>Food assistance—child and adult care food program—federal</td>
<td>No limit</td>
</tr>
</tbody>
</table>
Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: Provided further, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: And provided further, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Private donations, gifts, grants and bequests fund .......... No limit
Interactive video fee fund........................................ No limit

Provided, That expenditures may be made from the interactive video fee fund for operating expenditures incurred in conjunction with the operation and use of the interactive video conference facility of the department of
Provided further, That the state board of education is hereby authorized to fix, charge and collect fees for the operation and use of such interactive video conference facility: And provided further, That all fees received for the operation and use of such interactive video conference facility shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interactive video fee fund.

| Reimbursement for services fund | No limit |
| Communities in schools program fund | No limit |
| Governor’s teaching excellence scholarships program repayment fund | No limit |

Provided, That all expenditures from the governor’s teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-1398, and amendments thereto: Provided further, That each such grant shall be required to be matched on a $1 for $1 basis from nonstate sources: And provided further, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: And provided further, That all moneys received by the department of education for repayment of grants made under the governor’s teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor’s teaching excellence scholarships program repayment fund.

| Elementary and secondary school aid—federal fund—reading first | No limit |
| Elementary and secondary school aid—federal fund—reading first—state operations | No limit |
| State grants for improving teacher quality—federal fund—state operations | No limit |
| State assessments—federal fund | No limit |
| Rural and low-income schools program—federal fund | No limit |
| Language assistance state grants—federal fund | No limit |
| Service clearing fund | No limit |
| Helping schools license plate program fund | No limit |

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2012, the following:

| Pre-K program | $4,799,812 |
| Parent education program | $7,237,635 |

Provided, That expenditures from the parent education program account for
each such grant shall be matched by the school district in an amount which is equal to not less than 65% of the grant.

(d) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $50,000 from the family and children trust account of the family and children investment fund of the department of social and rehabilitation services to the communities in schools program fund of the department of education.

(e) On March 30, 2012, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $900,000 from the state safety fund to the state general fund: Provided That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of education by other state agencies which receive appropriations from the state general fund to provide such services.

(f) On June 30, 2012, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $900,000 from the state safety fund to the state general fund: Provided That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of education by other state agencies which receive appropriations from the state general fund to provide such services.

(g) On July 1, 2011, and quarterly thereafter, the director of accounts and reports shall transfer $61,789 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

(h) On July 1, 2011, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund of the department of education to the motorcycle safety fund of the state board of regents: Provided, That the amount to be transferred shall be determined by the commissioner of education based on the amounts
required to be paid pursuant to subsection (b)(2) of K.S.A. 8-272, and amendments thereto.

Sec. 114.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating expenditures</td>
<td>$1,656,048</td>
</tr>
</tbody>
</table>

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed $2,000.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants to libraries and library systems</td>
<td>$2,425,713</td>
</tr>
</tbody>
</table>

Provided, That any unencumbered balance in the grants to libraries and library systems account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That, of the moneys appropriated in the grants to libraries and library systems account, $1,587,767 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, $453,446 shall be distributed for interlibrary loan development grants and $413,883 shall be paid according to contracts with the subregional libraries of the Kansas Talking Book Services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State library fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Federal library services and technology act—fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Grants and gifts fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Sec. 115.

KANSAS ARTS COMMISSION

[†]

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas arts commission gifts, grants and bequests—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Kansas arts commission fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Kansas arts commission special gifts fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Arts programming grants fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>
Provided, That moneys received by the Kansas arts commission from the remittance of the unexpended balance of arts programming grants to the commission shall be deposited in the state treasury and credited to the arts programming grants fund: Provided further, That expenditures from this fund shall be utilized for the purpose of matching federal grant moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

Sec. 116. KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures ........................................ $5,104,478

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures for official hospitality shall not exceed $2,000.

Arts for the handicapped .................................... $133,847

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund .............................................. No limit
Local services reimbursement fund ....................... No limit

Provided, That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: Provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

Student activity fees fund ................................ No limit
Special bequest fund ......................................... No limit
Gift fund ........................................................ No limit
Technology lending library—federal fund .............. No limit
Nine month payroll clearing fund ......................... No limit
Food assistance—cash for commodities—federal fund No limit
Food assistance—breakfast—federal fund ............... No limit
Food assistance—lunch—federal fund ..................... No limit
Chapter I handicapped—federal fund .................. No limit
Education improvement—federal fund ................. No limit
Elementary and secondary education act—federal fund No limit
Special education assistance—ARRA—federal fund  No limit
E-rate grant—federal fund ................................ No limit
Preparation and mentoring of teachers of the blind and visually impaired—federal fund No limit
Improve teacher quality grant—federal fund No limit
School breakfast program—federal fund No limit
Special education preschool grants—federal fund No limit

(c) On July 1, 2011, the chapter I handicapped—federal fund of the Kansas state school for the blind is hereby redesignated as the workforce investment act youth activities—federal fund of the Kansas state school for the blind.

(d) On July 1, 2011, the special education assistance—ARRA—federal fund of the Kansas state school for the blind is hereby redesignated as the special education state grants—federal fund of the Kansas state school for the blind.

Sec. 117. KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures $8,499,634

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund No limit
Local services reimbursement fund No limit

Provided, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: Provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

Student activity fees fund No limit
Elementary and secondary education act—federal fund No limit
Elementary and secondary education act 2009 ARRA—federal fund No limit
Vocational education fund No limit
School lunch program—federal fund No limit
Special bequest fund No limit
Special workshop fund No limit
Gift fund No limit
Nine month payroll clearing fund................................. No limit
Special education state grants—federal fund ................. No limit
Special education state grants ARRA—federal fund........ No limit
Special education preschool ARRA—federal fund............. No limit
Improve teacher quality grant—federal fund ................ No limit
School breakfast program—federal fund ......................... No limit
National school lunch program ARRA—federal fund........ Nolimit
Special education preschool grants—federal fund .......... No limit

Sec. 118.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures ............................................. $4,900,739

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:

Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed $2,463.

Kansas humanities council........................................ $64,361

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit card clearing fund............................................ No limit
Vehicle repair and replacement fund......................... No limit
General fees fund...................................................... No limit
Archeology fee fund.................................................. No limit

Provided, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract:

Provided further, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: And provided further, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the archeology fee fund.

Archeology federal fund.............................................. No limit
Conversion of materials and equipment fund................... No limit
Soil/water conservation fund.................................... No limit
Microfilm fees fund.................................................. No limit

Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing imaging services: Provided further,
That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing imaging services: And provided further, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.

Records center fee fund................................................ No limit

Provided, That expenditures may be made from the records center fee fund for operating expenses for state records and for the trusted digital repository for electronic government records: Provided further, That the state historical society is hereby authorized to fix, charge and collect fees for such services: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: And provided further, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the records center fee fund.

Historic properties fee fund........................................... No limit

Historic preservation grants in aid fund............... No limit

Provide further, That expenditures from the heritage trust fund for state operations shall not exceed $94,548.

Historic preservation overhead fees fund ..................... No limit

Provided, That notwithstanding the provisions of K.S.A. 58-2011, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year 2012 for operating expenditures that are not related to administering the land survey program.

National historic preservation act fund—local ............. No limit

Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amendments thereto, shall be deposited in the state treasury and credited to the property sale proceeds fund.

Private gifts, grants and bequests fund ......................... No limit

Museum and historic sites visitor donation fund ............... No limit

Insurance collection replacement/reimbursement fund...... No limit

Heritage trust fund ................................................... No limit

Provided, That expenditures may be made from the heritage trust fund for state operations shall not exceed $94,548.

Land survey fee fund................................................... No limit

Provided, That, notwithstanding the provisions of K.S.A. 58-2011, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year 2012 for operating expenditures that are not related to administering the land survey program.

National trails fund...................................................... No limit

State historical society facilities fund......................... No limit

Historic properties fund........................................ No limit

Law enforcement memorial fund ................................. No limit

Property sale proceeds fund ........................................ No limit

Highway planning/construction fund ............................. No limit

Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amendments thereto, shall be deposited in the state treasury and credited to the property sale proceeds fund.

Save America’s treasures fund................................ No limit
Amelia Earhart bridge mitigation project fund.................. No limit

Sec. 119.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality)........ $32,404,650

Provided. That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Master’s-level nursing capacity................................. $133,506

Kansas wetlands education center at Cheyenne bottoms...... $262,764

Provided. That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas academy of math and science ....................... $525,488

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.................................................. No limit

Provided. That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund.................................................. No limit

Provided. That expenditures may be made from the general fees fund to match federal grant moneys: Provided further, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund.............................................. No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); Leader (newspaper); conferences, clinics and workshops—non-credit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines
prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: And provided further, That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act—federal fund ......................... No limit
Service clearing fund ................................................. No limit

Provided, That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund ............................................ No limit
Health fees fund ..................................................... No limit

Provided, That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Student union fees fund ............................................ No limit

Provided, That expenditures may be made from the student union fee fund for official hospitality.

Kansas career work study program fund ......................... No limit
Economic opportunity act—federal fund ......................... No limit
Kansas comprehensive grant fund ............................... No limit
Faculty of distinction matching fund ............................... No limit
Nine month payroll clearing account fund ....................... No limit
Federal Perkins student loan fund ................................. No limit
Housing system revenue fund ....................................... No limit

Provided, That expenditures may be made from the housing system revenue fund for official hospitality.

Institutional overhead fund ........................................ No limit
Oil and gas royalties fund.............................................. No limit
Housing system suspense fund ......................................... No limit
Housing system operations fund ......................................... No limit
Housing system repairs, equipment and improvement fund.................................................. No limit
Sponsored research overhead fund ........................................ No limit
Kansas distinguished scholarship fund ................................. No limit
University federal fund .................................................. No limit

Provided. That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance:

Provided further, that expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments thereto.

Federal higher education fiscal stabilization fund—Fort Hays state university.................................................. No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed $125,000 from the general fees fund to the federal Perkins student loan fund.

Sec. 120.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality) ...... $102,759,850

Provided. That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Midwest institute for comparative stem cell biology ............ $129,833

Provided. That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund........................................................ No limit
Faculty of distinction matching fund................................. No limit
General fees fund........................................................ No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys; Provided further, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund.......................................... No limit
Restricted fees fund.................................................. No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; flight services; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education—publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education—Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations—construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; comparative medicine; other specifically designated receipts not available for general operations of the university: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the re-
stricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages: And provided further, That expenditures may be made from the restricted fees fund for official hospitality.

Kansas career work study program fund.......................... No limit
Service clearing fund.................................................. No limit

Provided, That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Sponsored research overhead fund ................................. No limit

Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

Housing system suspense fund ...................................... No limit
Housing system operations fund ................................. No limit

Provided, That expenditures may be made from the housing system operations fund for official hospitality.

Housing system repairs, equipment and improvement fund.................................................. No limit
Mandatory retirement annuity clearing fund.............................. No limit
Student health fees fund.................................................. No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund.................................................. No limit
Perkins student loan fund .............................................. No limit
Board of regents—U.S. department of education awards fund.................................................. No limit
State agricultural university fund ........................................ No limit
Federal extension civil service retirement clearing fund ...... No limit
Salina—student union fees fund ........................................ No limit
Salina—housing system operation fund.............................. No limit
Kansas distinguished scholarship fund ........................................ No limit
Kansas comprehensive grant fund ........................................ No limit
Temporary deposit fund ..................................................... No limit
Business procurement card clearing fund ............................. No limit
Suspense fund .................................................................. No limit
Voluntary tax shelter annuity clearing fund ......................... No limit
Agency payroll deduction clearing fund ............................... No limit
Payroll clearing fund ......................................................... No limit
Pre-tax parking clearing fund .............................................. No limit
University federal fund ....................................................... No limit

Provided. That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Johnson county education research triangle fund ................. No limit
Federal higher education fiscal stabilization fund—Kansas state university ...................................................... No limit
Energy conservation improvements fund .............................. No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed $100,000 from the general fees fund to the Perkins student loan fund.

Sec. 121.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Cooperative extension service (including official hospitality) ....................................................... $18,600,461

Provided. That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Agricultural experiment stations (including official hospitality) .................................................... $29,750,204

Provided. That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund ........................................................... No limit
Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director’s office; agronomy—Ashland farm; KSU agricultural research center—Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy—general; agronomy—experimental field crop sales; entomology sales; grain science and industry—Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; comparative medicine; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; miscellaneous renovation—construction; other specifically designated receipts not available for general operations of the university: Provided however, that the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2012.

Fertilizer research fund ................................................. No limit
Sponsored research overhead fund ................................. No limit
Federal extension fund ............................................ No limit
Federal experimental station fund ................................. No limit
Federal awards—advance payment fund ......................... No limit
Smith-Lever special program grant—federal fund ............... No limit
Faculty of distinction matching fund .............................. No limit
Agricultural land use-value fund ................................... No limit
University federal fund .............................................. No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.
Federal higher education fiscal stabilization fund—Kansas state university extension systems and agriculture research programs ........................................................................ No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Agricultural experiment stations ........................................... $300,175

(d) During the fiscal year ending June 30, 2012, no moneys appropriated from the state general fund or any special revenue fund for Kansas state university or Kansas state university extension systems and agriculture research programs shall be expended on or after the effective date of this act by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, for (1) any financial aid or other support for any 4-H competitive events or activities at county fairs for which the minimum age for participants is increased from 7 years of age to 9 years of age, or (2) any financial aid or other support for any 4-H organization or unit that sponsors competitive events at county fairs and that is planning to increase or has increased the minimum age for participants in such events from 7 years of age to 9 years of age.

Sec. 122.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality) ........ $9,872,665

Provided. That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Veterinary training program for rural Kansas ......................... $395,228

Provided. That any unencumbered balance in the veterinary training program for rural Kansas account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided. That expenditures may be made from the general fees fund to match federal grant moneys.

General fees fund ................................................................. No limit

Veterinary medicine teaching hospital revenue fund .............. No limit

Faculty of distinction matching fund ...................................... No limit

Hospital and diagnostic laboratory improvement fund .......... No limit

Restricted fees fund ............................................................. No limit
Provided, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; store-rooms; departmental receipts for all sales, refunds and other collections; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Sponsored research overhead fund ................................. No limit
Health professions student loan fund ............................ No limit
University federal fund ................................................ No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Federal higher education fiscal stabilization fund—Kansas state university veterinary medical center .................. No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of $15,000 from the general fees fund to the health professions student loan fund.

Sec. 123.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:
Operating expenditures (including official hospitality) ...... $30,616,575

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Reading recovery program................................. $215,112
Nat’l Board Cert/Future Teacher Academy ................ $129,050

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund................................. No limit
Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund................................. No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys: Provided further, That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal school fund fund........................ No limit

Restricted fees fund................................. No limit
Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern student exchange; departmental receipts—for all sales, refunds and other collections or receipts not specifically enumerated above: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund.

Service clearing fund................................. No limit
Provided, That the service clearing fund shall be used for the following service activities: Telecommunications services; office supplies inventory; state car operation; ESU press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; data processing center; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund ........................................ No limit
Kansas career work study program fund ........................ No limit
Student health fees fund ........................................ No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Faculty of distinction matching fund ......................... No limit
Bureau of educational measurements fund .................. No limit
National direct student loan fund ............................ No limit
Economic opportunity act—work study—federal fund ...... No limit
Educational opportunity grants—federal fund ................ No limit
Basic opportunity grant program—federal fund .............. No limit
Research and institutional overhead fund .................... No limit
Kansas comprehensive grant fund ............................ No limit
Housing system suspense fund ................................ No limit
Housing system operations fund .............................. No limit
Housing system repairs, equipment and improvement fund ......................................................... No limit
Kansas distinguished scholarship fund ........................ No limit
University federal fund ......................................... No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership federal fund ......................................................... No limit
Federal higher education fiscal stabilization fund—Emporia state university ..................................... No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Emporia state university of not to exceed $30,000 from the general fees fund to the national direct student loan fund.

Sec. 124.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:
Operating expenditures (including official hospitality) ....... $33,668,152

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

School of construction ................................................. $750,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.................................... .................... No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund.................................... .................... No limit

Provided, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: Provided further, That expenditures may be made from the general fees fund to match federal grant moneys: And provided further, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund..................................................... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; and grants from other state agencies; Midwest Quarterly; chamber music series; contract—post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity—state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through re-
search and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: And provided further, That expenditures may be made from this fund for official hospitality.

Service clearing fund ................................................... No limit

Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Hospital and student health fees fund................. No limit

Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: Provided further, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund ............................................................ No limit

Faculty of distinction matching fund ......................... No limit

Perkins student loan fund ........................................... No limit

Sponsored research overhead fund ............................. No limit

College work study fund ........................................... No limit

Nursing student loan fund .......................................... No limit

Housing system suspense fund .................................... No limit

Housing system operations fund ................................ No limit

Housing system repairs, equipment and improvement fund .................................................. No limit

Kansas comprehensive grant fund ......................... No limit

Kansas distinguished scholarship program fund ........ No limit

University federal fund ................................................ No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Federal higher education fiscal stabilization fund—Pittsburg state university ........................................ No limit

(c) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of $125,000 for all such amounts,
from the general fees fund to the following specified funds and accounts of funds: Perkins student loan fund; nursing student loan fund.

Sec. 125.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality) .......... $128,031,704
Provided. That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Geological survey ....................................................... $5,883,407
Provided. That any unencumbered balance in the geological survey account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Umbilical cord matrix project........................................ $130,900
Provided. That any unencumbered balance in the umbilical cord matrix project account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Parking facilities revenue fund ........................................ No limit
- Faculty of distinction matching fund............................... No limit
- General fees fund ........................................................ No limit
Provided. That expenditures may be made from the general fees fund to match federal grant moneys; Provided further, That all moneys received for tuition for students enrolled in courses offered at the regents center on the Edwards campus shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to this fund.

- Regents center development fund..................................... No limit
Provided. That expenditures shall be made from the regents center development fund for program operations and development and for capital improvements at the Edwards campus.

- Interest fund ............................................................... No limit
- Sponsored research overhead fund ................................. No limit
- Law enforcement training center fund ............................. No limit
Provided. That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program; Provided further, That
expenditures may be made from this fund for the acquisition of tracts of land.

Law enforcement training center fees fund ......................... No limit

Provided, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund..................................................... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Institute for public policy and business research; technology equipment; clinical psychology conference; concert course; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; reimbursable salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master’s degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; engineering equipment fee; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund................................................... No limit

Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.
Health service fund ..................................................... No limit
Kansas career work study program fund........................ No limit
Student union fund..................................................... No limit
Federal Perkins loan fund ............................................ No limit
Health professions student loan fund .............................. No limit
Housing system suspense fund ...................................... No limit
Scientific research and development project—special rev
fund................................................................. No limit
Housing system operations fund ................................. No limit
Housing system repairs, equipment and improvement
fund................................................................. No limit
Educational opportunity act—federal fund...................... No limit
Loans for disadvantaged students fund ......................... No limit
Prepaid tuition fees clearing fund ................................ No limit
Kansas comprehensive grant fund ................................ No limit
Fire service training fund ........................................... No limit
University federal fund ................................................ No limit
Johnson county education research triangle fund ............ No limit
Federal higher education fiscal stabilization fund—univer-
sity of Kansas...................................................... No limit
Standardized water data repository fund ....................... No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the
director of accounts and reports shall transfer amounts specified by the
chancellor of the university of Kansas of not to exceed a total of $325,000
for all such amounts, from the general fees fund to the following specified
funds and accounts of funds: Federal Perkins student loan program account
of the national direct student loan fund; federal supplemental educational
opportunity program account of the national direct student loan fund; fed-
eral disadvantaged student loan program account of the national direct stu-
dent loan fund; health professions student loan fund.

(d) There is appropriated for the above agency from the state water
plan fund for the fiscal year ending June 30, 2012, for the water plan project
or projects specified, the following:

Geological survey ...................................................... $26,841

Provided, That any unencumbered balance in excess of $100 as of June 30,
2011, in the geological survey account is hereby reappropriated for fiscal
year 2012.

Sec. 126.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality) ....... $101,647,608

Provided, That any unencumbered balance in the operating expenditures
(including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided further, That expenditures may be made from this account for the purchase of malpractice insurance for students in training at the university of Kansas school of medicine, nursing and allied health: And provided further, That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents’ dependents.

Medical scholarships and loans .................. $2,621,392

Provided, That any unencumbered balance in the medical scholarships and loans account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund ........................................ No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Faculty of distinction matching fund ............. No limit

Restricted fees fund ......................................... No limit

Provided, That restricted fees shall be limited to the following accounts: Technology equipment; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; computer remote access; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; student union fees; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; fungal sales; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; department of social and rehabilitation services cost-sharing: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines
prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development—special revenue fund .................................................................................................................. No limit
Kansas breast cancer research fund .................................................. No limit
Sponsored research overhead fund .................................................. No limit
Parking fund—Wichita campus ...................................................... No limit
Services to hospital authority fund .................................................. No limit
Direct medical education reimbursement fund ........................ No limit
Service clearing fund ........................................................................ No limit

Provided, That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; clothing (uniforms); physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; graphic services; instructional services; biomedical engineering; audiovisual services; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Educational nurse faculty loan program fund ......................... No limit
Federal college work study fund .................................................. No limit
AMA education and research grant fund ................................ No limit
Federal health professions/primary care student loan fund . No limit
Federal nursing student loan fund ................................................. No limit
Suspense fund .................................................................................. No limit
Federal student educational opportunity grant fund .......... No limit
Federal Pell grant fund .................................................................. No limit
Federal Perkins student loan fund ................................................. No limit
Medical loan repayment fund ......................................................... No limit

Provided, That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund or on the total expenditures from the medical loan repayment fund.

Medical student loan programs provider assessment fund... No limit
Graduate medical education administration reserve fund .... No limit
University of Kansas medical center private practice foundation reserve fund............................................. No limit
Robert Wood Johnson award fund ........................................ No limit
Federal scholarship for disadvantaged students fund........ No limit
University federal fund .................................................. No limit
Leveraging educational assistance partnership federal fund................................................................. No limit
Graduate medical education support fund ......................... No limit
Johnson county education research triangle fund .............. No limit
Federal higher education fiscal stabilization fund—university of Kansas medical center........................ No limit
Wichita center for graduate medical education federal fiscal stabilization fund ........................................ No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of $125,000 for all such amounts, from the general fees fund to the following funds: Federal Perkins student loan fund; federal nursing student loan fund; federal student education opportunity grant fund; federal college work study fund; educational nurse faculty loan program fund; federal health professions/primary care student loan fund.

(d) During the fiscal year ending June 30, 2012, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.

(e) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount specified by the chancellor from the general fees fund to the student health insurance premiums account of the restricted fees fund.

Sec. 127.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality) ...... $65,202,226

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:
General fees fund........................................................ No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: Provided further, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund..................................................... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts—for all sales, refunds and other collections or receipts not specifically enumerated above: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: And provided further, That expenditures may be made from this fund for official hospitality.

Service clearing fund.................................................. No limit

Provided, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund............................ No limit

Kansas career work study program fund......................... No limit

Scholarship funds fund................................................ No limit

Sponsored research overhead fund ............................... No limit

Economic opportunity act—federal fund ......................... No limit

Education opportunity grant—federal fund ..................... No limit
Matching education opportunity grant fund .............................. No limit
Health professions student assistance program—loans fund.................................................. No limit
Nine month payroll clearing account fund .............................. No limit
Pell grants fund .................................................................. No limit
Housing system suspense fund ........................................ No limit
Housing system operations fund ........................................ No limit
Housing system renovation principal and interest fund......... No limit
Housing system renovation and bond reserve fund............. No limit
WSU housing system depreciation and replacement fund... No limit
Perkins loan fund................................................................. No limit
Kansas distinguished scholarship fund ................................. No limit
Kansas comprehensive grant fund ....................................... No limit
WSU housing systems revenue fund......................................... No limit
University federal fund ......................................................... No limit

Provided. That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership—federal fund.................................................. No limit
Federal higher education fiscal stabilization fund—Wichita state university ......................................... No limit
Center of innovation for biomaterials in orthopaedic research—Wichita state university .................. No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:
Aviation infrastructure .......................................................... $4,981,537

Provided. That any unencumbered balance in the aviation infrastructure account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That during the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2012 by Wichita state university by this or other appropriation act of the 2011 regular session of the legislature, the moneys appropriated in the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2012 may only be expended for training and equipment expenditures of the national center for aviation training.

(d) During the fiscal years ending June 30, 2011, and June 30, 2012, in addition to the other purposes for which expenditures may be made by
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Wichita state university from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2011 or fiscal year 2012 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Wichita state university from the state general fund or from any special revenue fund for fiscal year 2011 and fiscal year 2012, after consultation with the national institute for aviation research, to provide for the establishment of a technical training board: Provided, That, except as otherwise provided in this subsection (d), such board shall be similar in composition to the aviation research board and shall advise the president of Wichita state university, and others representing Wichita state university, on all expenditures from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 and fiscal year 2012: Provided further, That such board shall review and evaluate all such expenditures: And provided further, That the executive director of the national institute for aviation research shall be the administrator for the technical training board: And provided further, That the membership of the technical training board shall include representatives of Sedgwick county and representatives of the Wichita area technical college as ex-officio, nonvoting members: And provided further, That the technical training board shall prepare and submit a report to the legislature, which shall be presented to the education budget committee of the house of representatives and to the appropriate subcommittee of the ways and means committee of the senate, not later than the calendar day of the 2012 regular session of the legislature, detailing the findings of the technical training board regarding the expenditures by Wichita state university from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 and fiscal year 2012.

Sec. 128.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality) $3,216,779

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That, during fiscal year 2012, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2012 by the state board of regents as authorized by this or other appropriation act of the 2011 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2012 for attendance at an in-state meeting by members of the state board of regents.
for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: And provided further, That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: And provided further, That, during fiscal year 2012, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2012 by the state board of regents as authorized by this or other appropriation act of the 2011 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2012 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: And provided further, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: And provided further, That the above agency, working in conjunction with the University of Kansas, Kansas State University and Wichita State University, shall develop and provide a multi-year plan for accomplishing the necessary expansion in the engineering programs to alleviate the severe shortage of engineering graduates: And provided further, That the plan shall be submitted to the governor and the legislature on or before September 1, 2011.

Provided, That any unencumbered balance in the state scholarship program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 72-6816, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: And provided further, That of the total amount appropriated in the state scholarship program account the amount dedicated for the Kansas distinguished scholarship program shall not exceed $25,000.

Provided, That any unencumbered balance in the comprehensive grant program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That any unencumbered balance in the comprehensive grant program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Ethnic minority scholarship program .......................... $296,498
Provided. That any unencumbered balance in the ethnic minority scholarship program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas work-study program........................................ $496,813

Provided, That any unencumbered balance in the Kansas work-study program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:

Provided further, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: And provided further, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

Provided further,

That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

Provided,

That any unencumbered balance in the ROTC service scholarships account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided,

That any unencumbered balance in the military service scholarships account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act.

Provided, That any unencumbered balance in the teachers scholarship program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That any unencumbered balance in the national guard educational assistance account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That any unencumbered balance in the vocational scholarships account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That any unencumbered balance in the nursing student scholarship program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That any unencumbered balance in the optometry education pro-
gram account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Municipal university operating grant ......................... $10,955,920
Adult basic education ............................................. $1,457,031
Postsecondary tiered technical education state aid ........ $46,943,658

Provided, That, if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2012, from the combined funding of the postsecondary tiered technical education state aid account and non-tiered course credit hour grant account are less than the amount of moneys appropriated for the fiscal year 2011, from the aggregate amount of funding from community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account, then the distribution to an eligible institution from the combined funding of the postsecondary tiered technical education state aid account and the non-tiered course credit hour grant account for the fiscal year ending June 30, 2012, shall be reduced by the same proportion as the aggregate amount of funding that such institution received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for fiscal year 2011 bears to the aggregate of all amounts of funding that all such institutions received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for the fiscal year ending June 30, 2011.

Non-tiered course credit hour grant ............................. $79,853,632

Provided, That, if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2012, from the combined funding of non-tiered course credit hour grant account and the postsecondary tiered technical education state aid account and are less than the amount of moneys appropriated for the fiscal year 2011, from the aggregate amount of funding from community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account, then the distribution to an eligible institution from the combined funding of the non-tiered course credit hour grant account and the postsecondary tiered technical education state aid account for the fiscal year ending June 30, 2012, shall be reduced by the same proportion as the aggregate amount of funding that such institution received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for fiscal year 2011 bears to the aggregate of all amounts of funding that all such institutions received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for the fiscal year ending June 30, 2011.
Technology equipment at community colleges and Washburn university ........................................ $398,475

Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Vocational education capital outlay aid ....................................... $71,585
Payment to KPERS ............................................................... $1,755,697
Tuition waivers ...................................................................... $84,657
Nurse educator grant program .................................................. $188,126

Provided, That any unencumbered balance in the nurse educator grant program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act.

Nursing faculty and supplies grant program ............................... $1,787,193

Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That the state board of regents is hereby authorized to make grants to Kansas postsecondary education institutions from the nursing faculty and supplies grant program account for expansion of nursing faculty and consumable laboratory supplies: And provided further, That such grants shall be either need-based or competitive and shall be matched on the basis of $1 from the nurse faculty and supplies grant program account for $1 from the state educational institution receiving the grant: And provided further, That not less than $95,196 in such grants shall be made to accredited private postsecondary educational institutions in Kansas.

Postsecondary technical education authority................................ $682,837
Midwest higher education commission................................. $93,869

Any unencumbered balance in each of the following accounts in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Southwest Kansas access project.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund...... No limit
Vocational education scholarship discontinued attendance fund................................................................. No limit
Leveraging educational assistance program fund—federal .. No limit
Regents’ scholarship gift fund ................................................. No limit

Provided, That expenditures may be made from the regents’ scholarship gift fund for scholarships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations: Provided, however, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: Provided further, That no scholarship awarded from this fund shall exceed $2,000 per academic year: And provided further, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816, and amendments thereto, or a tuition grant under K.S.A. 72-6107 through 72-6111, and amendments thereto, or both: And provided further, That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

KAN-ED fund ................................................................. No limit

Provided, That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act: Provided further, That in addition to the other purposes for which expenditures may be made from moneys appropriated from the KAN-ED fund for fiscal year 2012 for the state board of regents as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the state board of regents from the KAN-ED fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 75-7225, and amendments thereto, or any other statute, for the expenses of the legislative KAN-ED study committee to evaluate the KAN-ED program for efficiency and effectiveness in providing schools, libraries and hospitals broadband internet access: And provided further, That, such study shall be designed to: (1) Determine the economic value of the KAN-ED program to the state; (2) describe how KAN-ED funds are used; (3) determine if there is a more cost efficient way to provide schools, libraries and hospitals broadband internet access; (4) describe any alternate ways to provide schools, libraries and hospitals broadband internet access; and (5) compare the costs of alternatives to the KAN-ED program: And provided further, That, the legislative KAN-ED study committee shall be appointed by the legislative coordinating council and composed of equal members from the senate and the house of representatives, including representation of the minority party: And provided further, That, the staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the legislative KAN-ED study committee and authorized by the legislative coordinating council: And provided further, That, each member of the legislative KAN-ED study committee attending meetings of such committee approved by
the legislative coordinating council, or attending a subcommittee meeting thereof authorized by such committee and approved by the legislative coordinating council, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, from the KAN-ED fund: And provided further, That, the study shall be completed no later than December 31, 2011, and the findings and recommendations shall be made available to the house of representatives committee on appropriations and the senate committee on ways and means no later than the first day of the 2012 regular legislative session.

KAN-ED federal fund.............................................. No limit
Earned indirect costs fund—federal................................ No limit
Faculty of distinction program fund............................ No limit
Paul Douglas teacher scholarship fund—federal ............... No limit
GED credentials processing fees fund............................ No limit
Proprietary school fee fund........................................ No limit
Tuition waiver gifts, grants and reimbursements fund....... No limit
Adult basic education—federal fund.............................. No limit
Truck driver training fund ........................................ No limit
No child left behind federal fund ................................ No limit
Comprehensive grant program discontinued attendance fund................................................................. No limit
State scholarship discontinued attendance fund.............. No limit
Kansas ethnic minority fellowship program fund............ No limit
Private postsecondary educational institution degree author-
ization expense reimbursement fee fund........................ No limit
Substance abuse education fund—federal ......................... No limit
Nursing service scholarship program fund ...................... No limit
Clearing fund ....................................................... No limit
Conversion of materials and equipment fund.................. No limit
Teacher scholarship program fund............................... No limit
Motorcycle safety fund ........................................... No limit
Financial aid services fee fund..................................... No limit

Provided. That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: Provided further, That the chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other activities related to student financial assistance programs administered by the state board of regents: And provided further, That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: And provided further, That all moneys received for such fees shall be deposited in the state treasury in
accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.

Inservice education workshop fee fund ........................................... No limit
Optometry education repayment fund ............................................. No limit
Teacher scholarship repayment fund ............................................. No limit
Advanced registered nurse practitioner service scholarship program fund ........................................... No limit
Nursing service scholarship repayment fund ..................................... No limit
Nurse educator service scholarship repayment fund ....................... No limit
ROTC service scholarship program fund ....................................... No limit
ROTC service scholarship repayment fund ..................................... No limit
Carl D. Perkins vocational and technical education—federal fund ................................................................. No limit
Carl D. Perkins vocational and technical education—federal fund—state operations ......................................................... No limit
College access challenge grant program ........................................ No limit
Kansas national guard educational assistance program repayment fund ................................................................. No limit
Carl D. Perkins technical preparation—federal fund .......................... No limit
Grants fund ................................................................................. No limit
Workforce development loan fund ................................................ No limit
Regents clearing fund ................................................................... No limit
Private and out-of-state postsecondary educational institution fee fund ................................................................. No limit
Federal higher education fiscal stabilization fund ............................... No limit
Federal higher education fiscal stabilization fund—community colleges ........................................................................ No limit
Federal higher education fiscal stabilization fund—municipal university ........................................................................ No limit
Federal higher education fiscal stabilization fund—postsecondary technical education ......................................................... No limit
Statewide data systems ARRA—unifying data systems to support systemic changes fund ................................................. No limit

(c) During the fiscal year ending June 30, 2012, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2012, to another item of appropriation in an account of the state general fund for fiscal year 2012. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. As used in this subsection, “account” (1) means the operating expenditures (including official hospitality) account of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state
university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and (2) includes each other account of the state general fund of the state board of regents.

(d) During the fiscal year ending June 30, 2012, the chief executive officer of the state board of regents, subject to the applicable restrictions and limitations or other provisions of federal grant agreements, is hereby authorized to transfer moneys that are received under a federal grant and that are credited to a federal fund of the state board of regents to a federal fund of an institution under the supervision and management of the state board of regents during the fiscal year ending June 30, 2012. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and to the director of legislative research. As used in this subsection (e), “federal fund” means (1) the federal flexible fiscal stabilization fund, the federal higher education fiscal stabilization fund—community colleges, the federal higher education fiscal stabilization fund—municipal university, or the federal higher education fiscal stabilization fund—postsecondary technical education of the state board of regents, (2) the federal flexible fiscal stabilization fund—university of Kansas, the federal flexible fiscal stabilization fund—University of Kansas Medical Center, the federal flexible fiscal stabilization fund—Kansas state university, the federal flexible fiscal stabilization fund—Kansas state university Veterinary Medical Center, the federal flexible fiscal stabilization fund—Kansas state university extension systems and agriculture research programs, the federal flexible fiscal stabilization fund—Wichita state university, the federal flexible fiscal stabilization fund—Emporia state university, the federal flexible fiscal stabilization fund—Pittsburg state university, and the federal flexible fiscal stabilization fund—Fort Hays state university of such institutions, or (3) a federal fiscal stabilization fund of a community college, the municipal university or an institution of postsecondary technical education.

(e) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for such state educational institution as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for the purposes of capital improvement projects making energy and other conservation improvements: Provided, That such capital improvement projects are hereby approved for such state educational institution for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of one or more series of bonds by the
Kansas development finance authority in accordance with that statute from
time to time during fiscal year 2012: Provided, however, That no such bonds
shall be issued until the state board of regents has first advised and consulted
on any such project with the joint committee on state building construction:
Provided further, That the amount of the bond proceeds that may be utilized
for any such capital improvement project shall be subject to approval by
the state finance council acting on this matter which is hereby characterized
as a matter of legislative delegation and subject to the guidelines prescribed
in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that
such approval also may be given while the legislature is in session: And
provided further, That, in addition to such project costs, any such amount
of bond proceeds may include costs of issuance, capitalized interest and
any required reserves for the payment of principal and interest on such
bonds: And provided further, That all moneys received from the issuance
of any such bonds shall be deposited and accounted for as prescribed by
applicable bond covenants: And provided further, That payments relating
to principal and interest on such bonds shall be subject to and dependent
upon annual appropriations therefor to the state educational institution for
which the bonds are issued: And provided further, That each energy con-
servation capital improvement project for which bonds are issued for fi-
nancing under this subsection shall be designed and completed in order to
have cost savings sufficient to be equal or greater than the cost of debt
service on such bonds: And provided further, That the state board of regents
shall prepare and submit a report to the committee on appropriations of the
house of representatives and the committee on ways and means of the senate
on the savings attributable to energy conservation capital improvements for
which bonds are issued for financing under this subsection at the beginning
of the 2012 regular session of the legislature.

(2) As used in this subsection, “state educational institution” includes
each state educational institution as defined in K.S.A. 76-711, and amend-
ments thereto.

(f) There is appropriated for the above agency from the state economic
development initiatives fund for the fiscal year ending June 30, 2012, the
following:

SEDIF—vocational education capital outlay aid ............... $2,547,726

Provided, That expenditures from the SEDIF—vocational education capital
outlay aid account for each grant of vocational education capital outlay aid
shall be matched by the postsecondary institution awarded such grant in an
amount which is equal to 50% of the grant: Provided further, That any
unencumbered balance in excess of $100 as of June 30, 2011, in the
SEDIF—vocational education capital outlay aid account is hereby reappor-
tiated for fiscal year 2012.

SEDIF—technology innovation and internship program..... $179,284

Provided, That any unencumbered balance in excess of $100 as of June 30,
2011, in the SEDIF—technology innovation and internship program account is hereby reappropriated for fiscal year 2012.

SEDIF—EPSCOR....................................................... $993,265
Community college competitive grants ....................... $500,000

Provided, That all moneys in the community college competitive grants account shall be for grants awarded to community colleges under a competitive grant program administered by the secretary of commerce: Provided further, That all expenditures from such account shall be for competitive grants to community colleges that require a local match of nonstate moneys on a $1 for $1 basis and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.

(g) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2012, the following:

EBF—state building insurance ................................... $475,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b02, and amendments thereto, expenditures may be made by the above agency from the EBF—state building insurance account of the Kansas educational building fund for state building insurance premiums.

(h) During the fiscal year ending June 30, 2012, notwithstanding any provisions of subsection (f) of K.S.A. 2010 Supp. 66-2010, and amendments thereto, as such subsection existed prior to June 30, 2009, to the contrary, the amount of $6,000,000 shall be certified before July 1, 2012, by the chief executive officer of the state board of regents to the administrator of the KUSF and the administrator of the KUSF shall pay such amount from the Kansas universal service fund of the state corporation commission to the KAN-ED fund of the state board of regents during the fiscal year 2012 in accordance with the provisions of subsections (f)(1) and (f)(2) of K.S.A. 2010 Supp. 66-2010, and amendments thereto, as such subsections existed prior to June 30, 2009.

Sec. 129.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures ........................................ $23,042,796

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed $2,000.

Community corrections........................................ $17,998,912

Provided, That any unencumbered balance in the community corrections...
account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2012 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local jail payments</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>Treatment and programs</td>
<td>$46,954,630</td>
</tr>
<tr>
<td>Topeka correctional facility—facilities operations</td>
<td>$12,933,442</td>
</tr>
<tr>
<td>Hutchinson correctional facility—facilities operations</td>
<td>$29,490,116</td>
</tr>
<tr>
<td>Lansing correctional facility—facilities operations</td>
<td>$38,038,950</td>
</tr>
<tr>
<td>Ellsworth correctional facility—facilities operations</td>
<td>$12,807,429</td>
</tr>
<tr>
<td>Winfield correctional facility—facilities operations</td>
<td>$12,447,138</td>
</tr>
</tbody>
</table>
Provided. That any unencumbered balance in the Winfield correctional facility—facilities operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided, however, That expenditures from the Winfield correctional facility—facilities operations account for official hospitality shall not exceed $500.

Norton correctional facility—facilities operations $14,956,095

Provided. That any unencumbered balance in the Norton correctional facility—facilities operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided, however, That expenditures from the Norton correctional facility—facilities operations account for official hospitality shall not exceed $500.

El Dorado correctional facility—facilities operations $23,605,260

Provided. That any unencumbered balance in the El Dorado correctional facility—facilities operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided, however, That expenditures from the El Dorado correctional facility—facilities operations account for official hospitality shall not exceed $500.

Larned correctional mental health facility—facilities operations $9,952,454

Provided. That any unencumbered balance in the Larned correctional mental health facility—facilities operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided, however, That expenditures from the Larned correctional mental health facility—facilities operations account for official hospitality shall not exceed $500.

Facilities operations $13,990,696

Provided. That any unencumbered balance in the facilities operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Any unencumbered balance in excess of $100 as of June 30, 2011, in each of the following accounts is hereby reappropriated for fiscal year 2012: Department of corrections forensic psychologist fund.

Any unencumbered balance in the DUI treatment services account in excess of $100 as of June 30, 2011, is hereby reappropriated for the fiscal year 2012: Provided further, That expenditures may be made from the DUI treatment services account for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:
Federal flexible fiscal stabilization fund .................................................. No limit
Supervision fees fund ........................................................................ No limit
Residential substance abuse treatment—federal fund ....................... No limit
Department of corrections forensic psychologist fund .................. No limit
Victim assistance fund ........................................................................ No limit
Ed Byrne memorial justice assistance grants—federal fund ........................................................................ No limit
Violence against women—federal fund .................................................. No limit
Sex offender management grant—federal fund ........................................ No limit
Recovery act justice assistance—federal fund ........................................ No limit
Department of corrections state asset forfeiture fund .................. No limit
Chapter I—federal fund ........................................................................ No limit
Victims of crime act—federal fund ......................................................... No limit
Correctional industries fund .................................................................. No limit

Provided, That expenditures may be made from the correctional industries fund for official hospitality.

Provided, That expenditures may be made from the alcohol and drug abuse fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

Provided, That expenditures may be made from the department of corrections—general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: Provided further, That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: And provided further, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amend-
ments thereto, and shall be credited to the department of corrections—
genral fees fund.

JEHT reentry program fund ........................................ No limit
Sedgwick county program fund ........................................ No limit
Topeka correctional facility—community development
block grant—federal fund ........................................... No limit
Topeka correctional facility—bureau of prisons contract—
federal fund .............................................................. No limit
Topeka correctional facility—general fees fund ............... No limit
Topeka correctional facility—laundry equipment deprecia-
tion reserve fund ....................................................... No limit
Hutchinson correctional facility—general fees fund........ No limit
Federal flexible fiscal stabilization fund—Hutchinson cor-
rectional facility ........................................................... No limit
Lansing correctional facility—general fees fund ............. No limit
Ellsworth correctional facility—general fees fund .......... No limit
Winfield correctional facility—general fees fund ........... No limit
Federal flexible fiscal stabilization fund—Winfield cor-
rectional facility ............................................................ No limit
Norton correctional facility—general fees fund ............. No limit
Federal flexible fiscal stabilization fund—Norton cor-
rectional facility ............................................................ No limit
El Dorado correctional facility—general fees fund .......... No limit
Larned correctional mental health facility—general fees
fund .............................................................. No limit
Correctional services special revenue fund ................ No limit
Community corrections supervision fund ................ No limit

(c) During the fiscal year ending June 30, 2012, the secretary of cor-
rections, with the approval of the director of the budget, may transfer any
part of any item of appropriation for the fiscal year ending June 30, 2012,
from the state general fund for the department of corrections or any cor-
rectional institution or facility under the general supervision and manage-
ment of the secretary of corrections to another item of appropriation for
fiscal year 2012 from the state general fund for the department of correc-
tions or any correctional institution or facility under the general supervision
and management of the secretary of corrections. The secretary of correc-
tions shall certify each such transfer to the director of accounts and reports
and shall transmit a copy of each such certification to the director of leg-
islative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731, and amend-
ments thereto, or any other statute, the director of accounts and reports shall
accept for payment from the secretary of corrections any duly authorized
claim to be paid from the local jail payments account of the state general
fund during fiscal year 2012 for costs pursuant to subsection (b) of K.S.A.
19-1930, and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund during fiscal year 2012 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2011, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2012.

(f) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer $233,750 from the correctional industries fund to the department of corrections—general fees fund.

(g) On October 1, 2011, and January 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports shall transfer $800,000 from the correctional industries fund to the state general fund: Provided, That the transfer of each such amount shall be in addition to any other transfer from the correctional industries fund to the state general fund as prescribed by law: Provided further, That the amounts transferred from the correctional industries fund to the state general fund pursuant to this subsection are to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of corrections by other state agencies which receive appropriations from the state general fund to provide such services.

(h) On July 1, 2012, the chapter I—federal fund of the department of corrections is hereby redesignated as the title I neglected and delinquent children—federal fund of the department of corrections.

(i) During the fiscal years ending June 30, 2011, and June 30, 2012, all expenditures made by the department of corrections from the correctional industries fund shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

Sec. 130.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

| Operating expenditures | $2,998,410 |

Provided, That any unencumbered balance in the operating expenditures
account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed $2,000.

Management information systems ........................................ $1,094,135

Provided, That any unencumbered balance in the management information systems account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas juvenile correctional complex facility operations .... $16,961,682

Provided, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of $100 as of June 30, 2011, are hereby reappropriated to the Kansas juvenile correctional complex facility operations account for fiscal year 2012: Provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.

Larned juvenile correctional facility operations ............... $8,774,676

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Purchase of services .................................................. $21,979,200

Provided, That any unencumbered balance in the purchase of services account in excess of $100 as of June 30, 2011, is hereby reappropriated to the prevention and treatment of substance abuse grants account, which is hereby created in the state general fund, for fiscal year 2012.

Prevention and graduated sanctions community grants....... $20,683,874

Provided, That any unencumbered balance in the prevention program grant account in excess of $100 as of June 30, 2011, and any unencumbered balance in the intervention and graduated sanctions community grants account in excess of $100 as of June 30, 2011, are hereby reappropriated to the prevention and graduated sanctions community grants account for fiscal year 2012: Provided further, That money awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

<table>
<thead>
<tr>
<th>Program/Grant</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical assistance program—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Title IVE fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Juvenile accountability incentive block grant—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Juvenile justice delinquency prevention—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Juvenile detention facilities fund</td>
<td>$3,575,963</td>
</tr>
<tr>
<td>Juvenile justice fee fund—central office</td>
<td>No limit</td>
</tr>
<tr>
<td>Juvenile justice federal fund—Larned juvenile correctional facility</td>
<td>No limit</td>
</tr>
<tr>
<td>Juvenile justice federal fund—Kansas juvenile correctional complex</td>
<td>No limit</td>
</tr>
<tr>
<td>Byrne grant—federal fund—Kansas juvenile correctional complex</td>
<td>No limit</td>
</tr>
<tr>
<td>Kansas juvenile delinquency prevention trust fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Byrne grant—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Prisoner reentry initiative demonstration—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Comprehensive approaches to sex offender management discretionary grant—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Part E—developing, testing, and demonstrating promising new programs—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Title V—delinquency prevention program—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Block grants for prevention and treatment of substance abuse—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Promoting safe and stable families—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Title I program for neglected and delinquent children—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Improving teacher quality state grants—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Kansas juvenile correctional complex—juvenile accountability block grant—federal fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Workforce investment act—federal fund—Kansas juvenile correctional complex</td>
<td>No limit</td>
</tr>
<tr>
<td>National school lunch program—federal fund—Kansas juvenile correctional complex</td>
<td>No limit</td>
</tr>
<tr>
<td>National school lunch program—federal fund—Larned juvenile correctional facility</td>
<td>No limit</td>
</tr>
<tr>
<td>Atchison youth residential center fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Larned juvenile correctional facility fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Larned juvenile correctional facility—title I neglected and delinquent children—federal fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>
Kansas juvenile correctional complex fee fund ...................... No limit
Kansas juvenile correctional complex—title I neglected and
delinquent children—federal fund ................................. No limit
Kansas juvenile correctional complex—gifts, grants, and do-
nations fund .......................................................... No limit

(c) During the fiscal year ending June 30, 2012, the commissioner of
juvenile justice, with the approval of the director of the budget, may transfer
any part of any item of appropriation for the fiscal year ending June 30,
2012, from the state general fund for the juvenile justice authority or any
juvenile correctional facility or institution under the general supervision and
management of the commissioner of juvenile justice to another item of
appropriation for fiscal year 2012 from the state general fund for the ju-
venile justice authority or any juvenile correctional facility or institution
under the general supervision and management of the commissioner of
juvenile justice. The commissioner of juvenile justice shall certify each such
transfer to the director of accounts and reports and shall transmit a copy of
each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be
made by the juvenile justice authority from the juvenile detention facilities
fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 79-
4803, and amendments thereto, the juvenile justice authority is hereby au-
thorized and directed to make expenditures from the juvenile detention
facilities fund for fiscal year 2012 for purchase of services.

(e) On July 1, 2011, the Title XIX fund of the juvenile justice authority
is hereby redesignated as the medical assistance program—federal fund of
the juvenile justice authority.

(f) On July 1, 2011, the Larned juvenile correctional facility elementary
and secondary education fund federal of the juvenile justice authority is
hereby redesignated as the Larned juvenile correctional facility—title I ne-
glected and delinquent children—federal fund of the juvenile justice au-
thority.

(g) On July 1, 2011, the Kansas juvenile correctional complex—ele-
mentary and secondary education fund—federal of juvenile justice author-
ity is hereby redesignated as the Kansas juvenile correctional complex—
title I neglected and delinquent children—federal fund of the juvenile jus-
tice authority.

(h) On July 1, 2011, the Beloit juvenile correctional facility fee fund of
the juvenile justice authority is hereby abolished.

(i) On July 1, 2011, the juvenile justice federal fund—Beloit juvenile
correctional facility of the juvenile justice authority is hereby abolished.

(j) On July 1, 2011, the recovery act Byrne grant—federal fund—Kan-
sas juvenile correctional complex of the juvenile justice authority is hereby
abolished.

(k) On July 1, 2011, the federal Byrne justice assistance grant—
ARRA—federal fund—Larned juvenile correctional facility of the juvenile justice authority is hereby abolished.

Sec. 131.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures .............................................. $4,556,958

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Provided, however, That expenditures from this account for official hospitality shall not exceed $1,250.

Disaster relief ............................................................. $3,952,280

Provided, That any unencumbered balance in the disaster relief account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Incident management team ........................................... $16,202

Provided, That any unencumbered balance in the incident management team account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Civil air patrol—operating expenditures ......................... $34,322

Military activation payments ........................................ $15,807

Provided, That all expenditures from the military activation payments account shall be for military activation payments authorized by and subject to the provisions of K.S.A. 2010 Supp. 75-3228, and amendments thereto:

Provided further, That any unencumbered balance in the military activation payments account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas military emergency relief ................................ $9,881

Provided, That expenditures may be made from the Kansas military emergency relief account for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: Provided further, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: And provided further, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account shall be deposited in the state treasury in accordance with the provisions of K.S.A.
75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Conversion of materials and equipment fund—military division ......................................................... No limit
Adjoint general expense fund ............................................ No limit
Emergency management—federal fund matching—administration fund ............................................... No limit
State emergency fund allocation—several disasters summer 04 ......................................................... No limit
State emergency fund ......................................................................................................................... No limit
State emergency fund weather disasters 5/4/2007 .............. No limit
State emergency fund weather disasters 12/06, 7/07 .............. No limit
National guard mutual assistance expense and compact fund ............................................................. No limit
Emergency management radef instrument maintenance federal fund .................................................. No limit
State disaster coordination federal fund ........................................ No limit
Disaster grants—public assistance federal fund ................... No limit
National guard military operations/maintenance federal fund ............................................................. No limit
Intra-agency hazardous mitigation trn/pl federal fund ...... No limit
Econ adjustment/military installation federal fund .............. No limit
Public safety partnership/community policing federal fund ................................................................. No limit
Disaster assistance to individual/household federal fund..... No limit
Interoperability communication equipment ........................................ No limit
Homeland security FFY05 int federal fund ......................... No limit
State homeland security program federal fund ................. No limit
Nuclear safety emergency management fee fund ............... No limit

Provided, That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2012 pursuant to agreements which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act.

Military fees fund—federal ................................................. No limit

Provided, That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements
with the federal government shall be deposited in the state treasury in acc-
cordance with the provisions of K.S.A. 75-4215, and amendments thereto,
and shall be credited to the military fees fund—federal.

Armories and units general fees fund.............................. No limit
State emergency fund allocation—several disasters fund .... No limit
Radioactive materials fund........................................ No limit
Civil air patrol—grants and contributions—federal fund .... No limit
Emergency management performance grant—federal
fund............................................................................... No limit
NG—federal forfeiture fund........................................... No limit
Inaugural expense fund................................................ No limit
Kansas military emergency relief fund............................. No limit

Provided, That expenditures may be made from the Kansas military emer-
gency relief fund for grants and interest-free loans, which are hereby au-
thorized to be entered into by the adjutant general with repayment provi-
sions and other terms and conditions including eligibility as may be
prescribed by the adjutant general therefor, to members and families of the
Kansas army and air national guard and members and families of the reserve
forces of the United States of America who are Kansas residents, during
the period preceding, during and after mobilization to provide assistance to
eligible family members experiencing financial emergencies: Provided fur-
ther, That such assistance may include, but shall not be limited to, medical,
funeral, emergency travel, rent, utilities, child care, food expenses and other
unanticipated emergencies: And provided further, That any moneys re-
ceived by the adjutant general in repayment of any grants or interest-free
loans made from the Kansas military emergency relief fund shall be de-
posited in the state treasury in accordance with the provisions of K.S.A.
75-4215, and amendments thereto, and shall be credited to the Kansas mil-
tary emergency relief fund.

National guard life insurance premium reimbursement
fund................................................................. No limit
Emergency management assistance compact federal fund...
No limit
Public safety interoperable communications grant program
federal fund .............................................................. No limit
Military construction national guard federal fund......... No limit
National guard civilian youth opportunities federal fund...
No limit
Hazard mitigation grant federal fund ............................. No limit
Citizen corps federal fund........................................ No limit
Law enforcement terrorism prevention program federal
fund........................................................................... No limit
National guard museum assistance fund ......................... No limit

Provided, That all expenditures from the national guard museum assistance
fund shall be made for an expansion of the 35th infantry division museum
and education center facility.
Great plains joint regional training center fee fund............ No limit

Provided, That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: Provided further, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: And provided further, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: And provided further, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to expenditures for other positions within the adjutant general’s department in the unclassified service as prescribed by law: Provided, That the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: Provided further, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2012 made by this or other appropriation act of the 2011 regular session of the legislature.

Sec. 132.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following spe-
cial revenue fund or funds for the fiscal year ending June 30, 2012, all
moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures, other than refunds authorized by law, pur-
chases of nationally recognized adopted codes for resale and federally re-
imbursed overtime, shall not exceed the following:

Fire marshal fee fund.................................................. $3,521,658

Provided, That expenditures from the fire marshal fee fund for official
hospitality shall not exceed $500.

Gifts, grants and donations fund .................................................... No limit
Hazardous material program fund ........................................... $374,411
Intragovernmental service fund.................................................... No limit
State fire marshal liquefied petroleum gas fee fund .......... $174,826
Hazardous materials emergency fund................................. $246,990

Provided, That expenditures may be made by the state fire marshal from
the hazardous materials emergency fund for fiscal year 2012 for the pur-
poses of responding to specific incidences of emergencies related to haz-
ardous materials without prior approval of the state finance council: Pro-
vided, however, that expenditures from the hazardous materials emergency
fund during fiscal year 2012 for the purposes of responding to any specific
incidence of an emergency related to hazardous materials without prior
approval by the state finance council shall not exceed $25,000, except upon
approval by the state finance council acting on this matter which is hereby
characterized as a matter of legislative delegation and subject to the guide-
lines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments
thereto, except that such approval also may be given while the legislature
is in session.

Fire safety standard and firefighter protection act enforce-
ment fund ................................................................. No limit
Cigarette fire safety standard and firefighter protection act
fund................................................................. No limit
Non-fuel flammable or combustible liquid aboveground
storage tank system fund........................................ No limit
Homeland security grant—federal fund......................... No limit

(b) On July 1, 2011, and January 1, 2012, or as soon after each such
date as moneys are available, the director of accounts and reports shall
transfer $188,596 from the fire marshal fee fund to the hazardous material
program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2012, notwithstanding the
provisions of any other statute, the state fire marshal, with the approval of
the director of the budget, may transfer funds from the fire marshal fee fund
to the hazardous materials emergency fund of the state fire marshal. The
state fire marshal shall certify each such transfer to the director of accounts
and reports and shall transmit a copy of each such certification to the di-
rector of legislative research. Provided, That the aggregate amount of such transfers for the fiscal year ending June 30, 2012, shall not exceed $50,000.

(d) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2012 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the hazardous materials emergency fund to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2012 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(e) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund and any other resources available to the fire marshal fee fund during the fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012 are insufficient to meet in full the estimated expenditures for fiscal year 2012 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2012: Provided, That the aggregate amount of such transfers during fiscal year 2012 pursuant to this subsection shall not exceed $500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the
director of the budget transmits any certification under this subsection is transmitted to the director of accounts and reports during fiscal year 2012, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 133.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures ........................................... $30,292,241

Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed $3,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund........................................................ No limit

Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law.

Homeland security 2006—federal fund......................... No limit
Homeland security 2007—federal fund......................... No limit
Homeland security 2008—federal fund........................ No limit
Homeland security 2009—federal fund........................ No limit
Homeland security 2010—federal fund........................ No limit
Homeland security 2011—federal fund........................ No limit
Homeland security 2012—federal fund........................ No limit
For patrol of Kansas turnpike fund........................... No limit

Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol motor vehicle fund............................. No limit
Highway patrol—federal fund...................................... No limit
Department of justice—federal recovery act—Edward J.
Byrne memorial justice assistance grant program—federal fund................................................................. No limit
Department of justice, office of justice programs and bureau
of justice assistance—recovery act rural law enforcement
grant program—federal fund........................................ No limit
Kansas highway patrol state forfeiture fund ........................................... No limit
Homeland sec 2010 fdf—ec—federal fund ........................................... No limit
Byrne memorial assistance grant federal fund—auto theft prevention ................................................................. No limit
Disaster grants—public assistance—federal fund ................................. No limit
Edward Byrne memorial assistance grant—state and local law enforcement—federal fund ........................................... No limit
Bulletproof vest partner—federal fund .................................................. No limit
Performance registration information system management—federal fund ................................................................. No limit
Commercial vehicle information system network—federal fund ......................... No limit
Highway planning and construction—federal fund ........................................ No limit
Public safety interoperability grant—federal fund ........................................ No limit
Citizen corps—federal fund ................................................................. No limit
Emergency management performance grants—federal fund ......................... No limit
Safety data improvement project—federal fund ........................................ No limit
Interoperability communication equipment—federal fund ................................. No limit
Edward Byrne memorial assistance grant—federal fund—federal American recovery and reinvestment act ........................................... No limit
Cops grant—federal fund ................................................................. No limit
KHP federal forfeiture—federal fund .................................................. No limit
Law enforcement terrorism prevention—federal fund ........................................ No limit
High intensity drug trafficking areas—federal fund ........................................ No limit
State domestic preparedness equipment sprr—federal fund ................................. No limit
Metro med response system—federal fund ........................................... No limit
Homeland security 05 buffer zone protection—federal fund ................................. No limit
Homeland security program—federal fund .................................................. No limit
Buffer zone protection program—federal fund ............................................... No limit
Rural law enforcement assistance grant—federal fund—federal American recovery and reinvestment act ........................................... No limit
Edward Byrne memorial justice assistance grant—federal fund ................................. No limit
Emergency ops cntr—federal fund .................................................. No limit
State and community highway safety—federal fund ........................................ No limit
Gifts and donations fund ................................................................. No limit

Provided, That expenditures from the gifts and donations fund for official hospitality shall not exceed $1,000.

Federal forfeiture fund ................................................................. No limit
Motor carrier safety assistance program state fund ........................................ No limit

Provided, That expenditures shall be made from the motor carrier safety
assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

National motor carrier safety assistance program—federal fund................................................................. No limit

Provided, That expenditures shall be made from the national motor carrier safety assistance program—federal fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

COPS grant—federal fund............................................. No limit

Aircraft fund—on budget ............................................ No limit

Highway safety fund .................................................. No limit

Capitol area security fund.......................................... No limit

Vehicle identification number fee fund ........................ No limit

Motor vehicle fuel and storeroom sales fund ..................... No limit

Provided, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: Provided further, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: And provided further, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: And provided further, That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.

Kansas highway patrol operations fund ........................... $19,830,967

Provided, That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: Provided further, That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol training center fund ............................. No limit

Provided, That expenditures may be made from the highway patrol training center fund for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: Provided further, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: And provided further, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: And provided
That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund.

Executive aircraft fund................................................. No limit

Provided, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: Provided further, That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: And provided further, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund.

1122 program clearing fund.............................. ............ No limit

(c) On or before the tenth of each month during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2011, and January 1, 2012, or as soon after each date as moneys are available the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than $266,750 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.

(e) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports shall transfer $4,923,402.75 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2012 for support and maintenance of the Kansas highway patrol.

(f) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer
$257,000 from the state highway fund of the department of transportation to the highway safety fund of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(g) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $250,000 from the state highway fund of the department of transportation to the general fees fund of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(h) On July 1, 2011, and January 1, 2012, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 74-2136, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $200,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the aircraft fund—on budget of the Kansas highway patrol.

(i) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports shall transfer $8,190,099.75 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2012 for the support and maintenance of the Kansas highway patrol.

(j) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $1,638,020 from the highway patrol motor vehicle fund of the Kansas highway patrol to the state general fund: Provided, That the transfer of such amount shall be in addition to any other transfer from the highway patrol motor vehicle fund to the state general fund as prescribed by law: Provided further, That the amount transferred from the highway patrol motor vehicle fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas highway patrol by other state agencies which receive appropriations from the state general fund to provide such services.

(k) On July 1, 2012, the motor carrier safety assistance program—federal fund of the highway patrol is hereby redesignated as the national motor carrier safety assistance program—federal fund of the highway patrol.

Sec. 134.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures .......................................................... $14,532,365
Provided, That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated to the operating expenditures account for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed $750.

Meth lab cleanup ........................................................ $450,000

Provided, That any unencumbered balance in the meth lab cleanup account in excess of $100 as of Jun 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas bureau of investigation state forfeiture fund........... No limit
- Federal forfeiture fund ................................................. No limit
- High intensity drug trafficking area—federal fund ............ No limit
- Criminal justice information system line fund ...................... $651,547
- Private detective fee fund .............................................. No limit
- DNA database fund..................................................... No limit
- Kansas bureau of investigation motor vehicle fund............ No limit
- Forensic laboratory and materials fee fund....................... No limit

Provided, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: Provided further, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas bureau of investigation motor vehicle fund.

Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic lab-
oratory of the Kansas bureau of investigation incurred for laboratory tests conducted for noncriminal justice entities, including governmental agencies and private organizations, which testing activity is hereby authorized: *Provided, however.* That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by subsection (c) of K.S.A. 28-176, and amendments thereto: *Provided further,* That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees for laboratory tests conducted for such noncriminal justice entities: *And provided further,* That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting laboratory tests for such noncriminal justice entities: *And provided further,* That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

General fees fund........................................................ Nolimit

*Provided,* That expenditures may be made from the general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however,* That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; (4) sale and distribution of crime prevention materials: *Provided further,* That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And*
provided further, That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: And provided further, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: And provided further, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

Record check fee fund ................................................. No limit

Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: Provided, however, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the record check fee fund: Provided further, That expenditures may be made from the record check fee fund for operating expenditures of the Kansas bureau of investigation.

Intergovernmental service fund................................. No limit
Agency motor pool fund ........................................ No limit
National criminal history improvement program federal fund ......................................................... No limit
Public safety partnership and community policing federal fund .......................................................... No limit
Forensic DNA backlog reduction federal fund ......................... No limit
Coverdell forensic sciences improvement federal fund ............. No limit
Anti-gang initiative federal fund ................................ No limit
Homeland security federal fund .................................... No limit
State homeland security program federal fund ..................... No limit
Convicted/arrestee DNA backlog reduction federal fund .......... No limit
Disaster grants—public assistance federal fund ................. No limit
Ed Byrne memorial justice assistance federal fund ............. No limit
Ed Byrne state/local law enforcement federal fund ........ No limit
Violence against women—ARRA federal fund ................. No limit
AWA implementation grant program federal fund ........ No limit
Ed Byrne memorial JAG—ARRA federal fund ................. No limit
Convicted offender/arrestee DNA backlog reduction federal fund .................................................. No limit
KBI-FBI reimbursement federal fund ........................................ No limit
Project safe neighborhoods fund ........................................ No limit
Social security administration reimbursement—federal fund .................................................. No limit

Sec. 135.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options grant fund ........................................ No limit
Rural access to emergency devices grant—federal fund ...... No limit
Emergency medical services operating fund ...................... $1,331,468

 Provided, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: Provided further, That such fees may be fixed in order to recover all or part of such costs: And provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: And provided further, That, notwithstanding the provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: And provided further, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed $2,000.

Education incentive grant payment fund ......................... No limit

 Provided, That the priority for award of education incentive grants shall be to award such grants to rural areas.

EMS revolving fund .................................................. No limit

 Provided, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: Provided
That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: And provided further, That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2012.

National bioterrorism hospital preparedness—federal fund .................................................. No limit
Highway safety—federal fund .................................................. No limit

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2012 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: Provided, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants, instructor-coordinators and training officers: Provided further, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants, instructor-coordinators and training officers: And provided further, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants, instructor-coordinators and training officers who are obtaining a postsecondary education degree.

(c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2012, as authorized by this or any other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2012 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in the EMS region are related to the operation and administration of the Kansas emergency medical services regional operations to the emergency medical services board: Provided, That the report for each EMS region shall specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to such EMS region for the operation of the education and training of emergency medical attendants in such EMS region.
(d) On July 1, 2011, and January 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer $150,000 from the emergency medical services operating fund to the educational incentive grant payment fund of the emergency medical services board.

(e) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2012 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2012 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2012 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) During the fiscal year ending June 30, 2012, if any EMS regional council enters into a grant agreement with the emergency medical service board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2012.

Sec. 136. KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

| Operating expenditures | $676,810 |

Provided. That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Substance abuse treatment programs

$6,238,396

Provided. That any unencumbered balance in the substance abuse treatment programs account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund................................. No limit
Statistical analysis—federal fund .................... No limit
Drug abuse fund—federal.............................. No limit

Sec. 137.

KANSAS COMMISSION ON PEACE OFFICERS’ STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on peace officers’ standards and training fund................................. $558,575

Provided. That expenditures from the Kansas commission on peace officers’ standards and training fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed $500.

Local law enforcement training reimbursement fund .......... No limit

Sec. 138.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures ........................................ $10,203,177

Provided. That any unencumbered balance in the operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated to the operating expenditures account for fiscal year 2012: Provided further, that expenditures may be made from this account for expenses incurred in holding the annual meeting: And provided further, that expenditures from this account for official hospitality shall not exceed $5,000: And provided further, that the above agency may negotiate and enter into contracts to carry out its functions at the annual meeting: And provided further, that such contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto: And provided further, that expenditures may be made from this account or any special revenue fund of
the above agency to allow 100% grant-funded projects relating to stream
bank stabilization, and to allow lakes to be under the multi-purpose small
lakes program if the lake is used for two of the following purposes: flood
control, public water supply storage or recreation, notwithstanding the pro-
visions of any other legislative enactment: And provided further, That, as
used in this subsection (a), “special revenue fund” means the agency motor
pool fund, land reclamation fee fund, watershed protect approach/WTR
RSRCE MGT fund, conversion of materials and equipment fund, buffer
participation incentive fund, and NRCS contribution agreement 2002 farm
bill—federal fund.

(b) There is appropriated for the above agency from the following spe-
cial revenue fund or funds for the fiscal year ending June 30, 2012, all
moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures other than refunds authorized by law shall
not exceed the following:

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dairy fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Meat and poultry inspection fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Wheat quality survey fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Plant protection fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Laboratory equipment fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Water structures—state highway fund</td>
<td>$115,118</td>
</tr>
<tr>
<td>Soil amendment fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Agricultural liming materials fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Weights and measures fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Water appropriation certification fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Water resources cost fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Provided, That all moneys received by the secretary of agriculture from
any governmental or nongovernmental source to implement the provisions
of the Kansas water banking act, K.S.A. 2010 Supp. 82a-761 through 82a-
773, and amendments thereto, which are hereby authorized to be applied
for and received, shall be deposited in the state treasury in accordance with
the provisions of K.S.A. 75-4215, and amendments thereto, and shall be
credited to the water resources cost fund.

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture seed fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Chemigation fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Agriculture statistics fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Petroleum inspection fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Water transfer hearing fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Grain commodity commission services fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Kansas agricultural remediation board fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Kansas agricultural remediation fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Warehouse fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>U.S. geological survey cooperative gauge agreement grants fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>
Provided, That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: 

Provided further, That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: And provided further, That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.

Computer services fund................................................ Nolimit
Agricultural chemical fee fund ...................................... Nolimit
Feeding stuffs fee fund .................................................... Nolimit
Fertilizer fee fund ......................................................... No limit
Plant pest emergency response fund .................................. No limit
Pesticide use fee fund ........................................................ No limit
Geographic information system fee fund ............................ No limit
Egg fee fund ........................................................................ No limit
Water structures fund ....................................................... $148,666
Meat and poultry inspection fund—federal .......................... No limit
EPA pesticide performance partnership grant—federal fund ......................................................... No limit
FEMA dam safety—federal fund .......................................... No limit
FEMA—hazard mitigation map federal fund ............................... No limit
FEMA stream mapping—federal fund ..................................... No limit
Pest detection and survey—federal fund ................................. No limit
USDA NASS postage fund .................................................... No limit
FDA tissue residue—federal fund .......................................... No limit
Conversion of materials and equipment fund ......................... No limit
Trademark fund ................................................................. No limit
Market development fund .................................................... No limit

Provided, That expenditures may be made from the market development fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary: 

Provided further, That all moneys received by the department of agriculture for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the market development fund.

Reimbursement and recovery fund ...................................... Nolimit
Conference regulation and disbursement fund ....................... Nolimit
Buffer participation incentive fund ..................................... Nolimit
Targeted watershed grants—federal fund ............................. No limit
Agency motor pool fund ..................................................... No limit
Provided, That expenditures from the livestock brand fee fund for official hospitality shall not exceed $250.

Provided, That expenditures from the animal dealers fee fund for official hospitality shall not exceed $300: Provided further, That expenditures shall be made from the animal dealers fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets.

Provided, That expenditures from the animal disease control fund for official hospitality shall not exceed $450.

Provided, That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: Provided further, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: And provided further, That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: And provided further, That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non-federal source for the printing, publication and distribution of such materials: And provided further, That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose, shall be deposited in the state
treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the publications fee fund.

Homeland security grant—federal fund ........................................ No limit
USDA national agricultural statistics services—federal fund .......................................................... No limit
FDA food protection conference grant—federal fund .................................................. No limit
Retail food good manufacturing practice management—federal fund .......................................................... No limit
Medicated feed and FDA BSE inspection—federal fund .......................................................... No limit
National floodplain insurance assistance (CAP)—federal fund .......................................................... No limit
FEMA map modernization management support—federal fund .......................................................... No limit
Other federal grants—USDA cooperative—federal fund .......................................................... No limit
Environmental quality incentive program—federal fund .......................................................... No limit
Disease control fund—federal fund .......................................................... No limit
Targeted watershed grants—federal fund .......................................................... No limit
National dam safety program—federal fund .......................................................... No limit
Cooperating technical partners—federal fund .......................................................... No limit
Plant and animal disease & pest control—federal fund .......................................................... No limit
Country of origin labeling (COOL)—federal fund .......................................................... No limit
USDA Kansas forestry service—federal fund .......................................................... No limit
USDA pesticide recordkeeping—federal fund .......................................................... No limit
National registry report audit—federal fund .......................................................... No limit
Civil litigation fee fund .......................................................... No limit

Provided, That the above agency is authorized to make expenditures from the civil litigation fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: Provided further, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales cases, as determined by the secretary of agriculture and the attorney general, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the civil litigation fee fund by the attorney general.

Food safety fee fund .......................................................... No limit

Provided, That expenditures may be made from the food safety fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: Provided further, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments, food vending machines,
food vending machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the food safety fee fund: And provided further, That the secretary of agriculture is hereby authorized to make expenditures from the food safety fee fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection authority.

Gifts and donations fund .............................................. No limit

Provided, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes thereto: Provided further, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

General fees fund........................................................ No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: Provided further, That the secretary of agriculture is hereby authorized to fix, charge and collect fees in order to recover all or part of the costs incurred for such regulatory program activities and for official hospitality: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for the regulatory program activity or official hospitality for which such fees are imposed: And provided further, That all amounts received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Food service inspection reimbursement fund.................... No limit

Food inspection fee fund .............................................. No limit

Provided, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act: Provided further, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the food inspection fee fund: And provided further, That, on the first day of each month during fiscal year 2012, the director of accounts and reports shall transfer
from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.

Lodging fee fund ................................................... No limit

Provided. That expenditures may be made from the lodging fee fund for operating expenditures for the lodging inspection program and other activities for the regulation of lodging establishments under the food service and lodging act.

Watershed protect approach/WTR RSRCE MGT fund........ No limit

Provided, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2012 the Kansas department of agriculture may prorate license fees and alter license due dates as needed in order to transition to online license applications and renewals for the fiscal year ending June 30, 2012.

Grain warehouse inspection fund .................. $75,000

Provided, That during the fiscal year ending June 30, 2012, the above agency shall make every effort to ensure services performed in the grain warehouse inspection program will not be compromised by budget reductions for the fiscal year ending June 30, 2012.

Feral swine eradication fund ......................... $175,000

Livestock market reporting fund ...................... $20,000

Compliance education fee fund ....................... $250,000

Provided, That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: Provided further, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2012, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: And provided further, That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.

Laboratory testing services fee fund ................. No limit

Provided, That all expenditures from the laboratory testing services fee fund shall be for the purposes of providing laboratory testing of samples upon request: Provided further, That the secretary of agriculture is hereby authorized to fix, charge and collect fees for such laboratory testing: And
provided further, That such fees shall be fixed in order to recover all or part of the costs incurred to provide the services and any other necessary and incidental expenses incurred in conjunction with such laboratory testing: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the laboratory testing services fee fund.

Arkansas river gaging fund ........................................... $0

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2012, for the water plan project or projects specified, the following:

Water resources cost share............................................ $2,138,055

Provided, That any unencumbered balance in the water resources cost share account of the state conservation commission in excess of $100 as of June 30, 2011, is hereby reappropriated to the water resources cost share account of the Kansas department of agriculture for fiscal year 2012: Provided further, That the initial allocation for grants to conservation districts for fiscal year 2012 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: And provided further, That expenditures from this account for contractual technical expertise and/or non-salary administration expenditures of the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0 percent of the budget amount for fiscal year 2012 for the water resources cost share account.

Nonpoint source pollution assistance .............................. $2,424,078

Provided, That any unencumbered balance in the nonpoint source pollution assistance account of the state conservation commission in excess of $100 as of June 30, 2011, is hereby reappropriated to the nonpoint source pollution assistance account of the Kansas department of agriculture for fiscal year 2012.

Conservation district aid............................................... $2,259,754

Provided, That any unencumbered balance in the conservation district aid account of the state conservation commission in excess of $100 as of June 30, 2011, is hereby reappropriated to the conservation district aid account of the Kansas department of agriculture for fiscal year 2012.

Watershed dam construction ........................................... $690,652

Provided, That any unencumbered balance in the watershed dam construction account of the state conservation commission in excess of $100 as of June 30, 2011, is hereby reappropriated to the watershed dam construction account of the Kansas department of agriculture for fiscal year 2012: Provided further, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the above agency.
Lake restoration .......................................................... $255,043

Provided. That any unencumbered balance in the lake restoration account of the state conservation commission in excess of $100 as of June 30, 2011, is hereby reappropriated to the lake restoration account of the Kansas department of agriculture for fiscal year 2012: Provided further, That, on July 1, 2011, the amount of the remaining encumbered balance of moneys encumbered for fiscal year 2009 in the lake restoration account under contract in the water supply restoration program as of June 30, 2011, shall be released from such encumbrance for fiscal year 2009 and the amount equal to such encumbered balance is hereby appropriated for the above agency for fiscal year 2012 for the installation of an alternative public water supply solution for Washington county rural water district no. 1.

Kansas water quality buffer initiatives ................. $196,394

Provided. That any unencumbered balance in the Kansas water quality buffer initiatives account of the state conservation commission in excess of $100 as of June 30, 2011, is hereby reappropriated to the Kansas water quality buffer initiatives account of the Kansas department of agriculture for fiscal year 2012: Provided further, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: And provided further, That such expenditures may be made from this account from the approved budget amount for fiscal year 2012 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives.

Riparian and wetland program ......................... $164,828

Provided. That any unencumbered balance in the riparian and wetland program account of the state conservation commission in excess of $100 as of June 30, 2011, is hereby reappropriated to the riparian and wetland program account of the Kansas department of agriculture for fiscal year 2012.

Water transition assistance program/conservation reserve enhancement program ............................. $824,835

Provided. That any unencumbered balance in the water transition assistance program/conservation reserve enhancement program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That, in addition, fiscal year 2012 expenditures, from the water transition assistance program/conservation reserve enhancement program account, are authorized to be made by the division of conservation of the Kansas department of agriculture for the conservation reserve enhancement program: And provided further, That any unencumbered balance in the water transition assistance program/conservation reserve enhancement program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: And provided further, That all expenditures under the water transition assistance program/conservation reserve
enhancement program, referred to as CREP in this subsection, are subject to the following criteria: (1) The total number of acres enrolled in Kansas in CREP for the five fiscal years 2008, 2009, 2010, 2011, and 2012 shall not exceed 40,000 acres; (2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to one-half of the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area, except that if federal law permits the land enrolled in the CREP program to be used for agricultural purposes such as planting of agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area; (3) lands enrolled in the conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP; (4) no more than 25% of the acreage in CREP may be in any one county; (5) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to CREP; and (6) only water rights in good standing are eligible for inclusion under CREP. And provided further, That to be a water right in good standing the following criteria must be met: (A) At least 50% of the maximum annual quantity authorized to be diverted under the water right has been used in any three years from 2001 through 2005; (B) in the years 2001 through 2005 the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted and shall not have been the subject of enforcement sanctions by the division of water resources in the last four years; and (C) the water right holder has submitted the required annual water use report required by K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years; And provided further, That the Kansas department of agriculture shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of the 2012 regular session of the legislature which shall contain a description of program activities and shall include: (i) The total water rights, measured in acre feet, retired in CREP during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, and fiscal year 2012, to date, (ii) the acreage enrolled in CREP during fiscal year 2008, and fiscal year 2009, and in fiscal year 2010, and in fiscal year 2011, and in fiscal year 2012, to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2008, and fiscal year 2009, and in fiscal year 2010, and in fiscal year 2011, and in fiscal year 2012, to date, (iv) the economic impact of the CREP, (v) the change in groundwater levels in the CREP area during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, and fiscal year 2012, to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2008, and fiscal year 2009,
and fiscal year 2010, and fiscal year 2011, and fiscal year 2012, to date, (vii) an assessment of meeting each of the program objectives identified in the agreement with the farm service agency, and (viii) such other information as the Kansas department of agriculture shall specify.

Basin management ................................................. $702,722

Provided, That any unencumbered balance in the basin management account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Water use ................................................................. $83,697

Provided, That any unencumbered balance in the water use account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Interstate water issues ............................................... $513,850

Provided, That any unencumbered balance in the interstate water issues account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:

Provided further, That the above agency shall make expenditures of $55,000 from the interstate water issues account for fiscal year 2012 for streamgage monitoring in western Kansas to ensure that Colorado is complying with the Arkansas river compact.

(d) During the fiscal year ending June 30, 2012, the secretary of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas department of agriculture: Provided, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) On July 1, 2011, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $109,651 from the state highway fund of the department of transportation to the water structures—state highway fund of the Kansas department of agriculture.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Agriculture marketing program..................................... $395,573

Provided, That expenditures may be made from the agriculture marketing program account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of agriculture in accordance
with repayment provisions and other terms and conditions as may be prescribed by the secretary of agriculture therefor under the agricultural value added center program.

(g) On July 1, 2011, the director of accounts and reports shall transfer $75,000 from the state water plan fund to the grain warehouse inspection fund of the Kansas department of agriculture.

(h) On July 1, 2011, the director of accounts and reports shall transfer $175,000 from the state water plan fund to the feral swine eradication fund of the Kansas department of agriculture.

(i) On July 1, 2011, the director of accounts and reports shall transfer $20,000 from the state water plan fund to the livestock market reporting fund of the Kansas department of agriculture.

Sec. 139.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund ....................................................... No limit

Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed $15,000.

State fair federal transfer fund ....................................... No limit

State fair special cash fund ............................................ No limit

State fair debt service special revenue fund ........................ No limit

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

State fair debt service .................................................. $1,850,469

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $159,207 from the state economic development initiatives fund to the state fair capital improvements fund of the state fair board.

Sec. 140.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Water resources operating expenditures ................................ $1,772,412

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from this account for official hospitality shall not exceed $250.
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Local water project match fund ..................................... No limit
Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local water project match fund: Provided further, That all moneys credited to this fund shall be used to match state funds or federal funds, or both for water projects.

Water supply storage assurance fund.............................. No limit
Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2012, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, to supply water to users which is not held under contract in such reservoirs.

State conservation storage water supply fund ............... No limit
Water marketing fund ............................................. No limit
EPA wetland grant—federal fund .............................. No limit
Water 2025—ARRA—federal fund .............................. No limit
General fees fund .................................................. No limit
Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: Provided further, That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: And provided further, That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: And provided further, That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Indirect cost fund ................................................. No limit
Motor pool vehicle replacement fund .......................... No limit
Reservoir storage beneficial use fund .......................... No limit
Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir
storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

Arkansas river water conservation projects fund .................. No limit
Republican river water conservation projects—Nebraska moneys fund ......................................................... No limit
Republican river water conservation projects—Colorado moneys fund ................................................................. No limit
Lower Smoky Hill water supply access fund ......................... No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2012, for the state water plan project or projects specified, the following:

Assessment and evaluation ........................................... $469,492
Provided, That any unencumbered balance in the assessment and evaluation account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

GIS database development........................................... $173,640
Provided, That any unencumbered balance in the GIS database development account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

MOU—storage operations and maintenance....................... $366,802
Provided, That any unencumbered balance in the MOU—storage operations and maintenance account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Technical assistance to water users............................... $409,044
Provided, That any unencumbered balance in the technical assistance to water users account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Water resource education ............................................. $38,200
Provided, That any unencumbered balance in the water resource education account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Wichita aquifer storage and recovery project .................... $657,459
Provided, That any unencumbered balance in the Wichita aquifer recovery project account in excess of $100 as of June 30, 2011, is hereby reappropriated to the Wichita aquifer storage and recovery project account for fiscal year 2012.

Weather modification program ...................................... $97,935
Provided, That any unencumbered balance in the weather modification program account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Weather stations ........................................................ $48,620
Provided, That any unencumbered balance in the weather station’s account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Any unencumbered balance in each of the following accounts in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Neosho river basin issues.

(d) During the fiscal year ending June 30, 2012, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas water office: Provided, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2012, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(f) During the fiscal year ending June 30, 2012, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no
such loan shall be made unless the terms thereof have been approved by
the state finance council acting on this matter which is hereby characterized
as a matter of legislative delegation and subject to the guidelines prescribed
in subsection (c) of K.S.A. 75-3711c, and amendments thereto. The pooled
money investment board is authorized and directed to use any moneys in
the operating accounts, investment accounts or other investments of the
state of Kansas to provide the funds for each such loan. Each such loan
shall bear interest at a rate equal to the net earnings rate for the pooled
money investment portfolio at the time of the making of such loan. Such
loan shall not be deemed to be an indebtedness or debt of the state of Kansas
within the meaning of section 6 of article 11 of the constitution of the state
of Kansas. Upon certification to the pooled money investment board by
the director of the Kansas water office of the amount of each loan authorized
pursuant to this subsection, the pooled money investment board shall trans-
fer each such amount certified by the director of the Kansas water office
from the state bank account or accounts to the water marketing fund of the
Kansas water office. The principal and interest of each loan authorized
pursuant to this subsection shall be repaid in payments payable at least
annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2012, the director of accounts
and reports shall transfer an amount or amounts specified by the director
of the Kansas water office prior to April 1, 2012, from the water marketing
fund to the state general fund, in accordance with the provisions of the state
water plan storage act, and amendments thereto, and rules and regulations
adopted thereunder, for the purposes of making repayments to the state
general fund for moneys advanced for annual capital cost payments for
water supply storage space in reservoirs.

(h) During the fiscal year ending June 30, 2012, in addition to the other
purposes for which expenditures may be made by the Kansas water office
from moneys appropriated from the state general fund or any special rev-

ue fund or funds for the above agency for fiscal year 2012 by this or
other appropriation act of the 2011 regular session of the legislature, ex-
penditures shall be made by the Kansas water office from the state general
fund or from any special revenue fund or funds for fiscal year 2012, to
provide for the Kansas water office to lead database coordination of water
quality and quantity data for all state water agencies and cooperating federal
agencies to facilitate policy-making and such other matters relating thereto.

Sec. 141.
KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures ............................................. $3,384,949

Provided, That any unencumbered balance in the operating expenditures
account in excess of $100 as of June 30, 2011, is hereby reappropriated for
fiscal year 2012: Provided, however, That expenditures from this account for official hospitality shall not exceed $1,000: Provided further, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to include a provision on the calendar year 2012 applications for hunting licenses, fishing licenses and annual park permits for the applicant to make a voluntary contribution of $2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas National Guard members, and annual park permits issued to Kansas National Guard members: And provided further, That all moneys received as voluntary contributions to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas National Guard members, and annual park permits issued to Kansas National Guard members shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the free licenses and permits fund: And provided further, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to negotiate and enter into contracts for promotional advertising services for the performance of the powers, duties and functions of the department of wildlife, parks and tourism under executive reorganization order no. 36: And provided further, That all such advertising contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

State parks operating expenditures .................................. $1,294,962

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of $100 as of June 30, 2011, is hereby appropriated for fiscal year 2012.

Reimbursement for annual licenses issued to national guard members ................................................. $36,500

Provided, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2012 to Kansas Army or Air National Guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses: Provided, however, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: Provided further, That any unencumbered balance in the reimbursement for
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund ........................................................ $25,800,102

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2012 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: Provided further, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2012: And provided further, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: And provided further, That expenditures from this fund for official hospitality shall not exceed $1,000.

Parks fee fund ............................................................ $6,844,051

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2012 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: Provided further, That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2012: And provided further, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund ........................................................ $1,169,986

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2012 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: Provided further, That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2012: And provided further, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: And provided further, That expenditures from this fund for official hospitality shall not exceed $1,000.

Central aircraft fund .................................................... No limit

Provided, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance: Provided further, That the secretary of wildlife, parks and tourism is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: And provided further, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: And provided
further, That all fees received for such services shall be credited to the central aircraft fund.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Department access roads fund</td>
<td>$1,081,102</td>
</tr>
<tr>
<td>Wildlife and parks nonrestricted fund</td>
<td>No limit</td>
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<tr>
<td>Prairie spirit rails-to-trails fee fund</td>
<td>No limit</td>
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<tr>
<td>Nongame wildlife improvement fund</td>
<td>No limit</td>
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<tr>
<td>Nongame wildlife improvement—federal</td>
<td>No limit</td>
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<tr>
<td>Wildlife conservation fund</td>
<td>No limit</td>
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<tr>
<td>Federally licensed wildlife areas fund</td>
<td>No limit</td>
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<tr>
<td>State agricultural production fund</td>
<td>No limit</td>
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<tr>
<td>Land and water conservation fund—state</td>
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<tr>
<td>Land and water conservation fund—local</td>
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<tr>
<td>Development and promotions fund</td>
<td>No limit</td>
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<tr>
<td>Department of wildlife and parks private gifts and donations fund</td>
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<tr>
<td>Fish and wildlife restitution fund</td>
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<tr>
<td>Parks restitution fund</td>
<td>No limit</td>
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<tr>
<td>Nonfederal grants fund</td>
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<tr>
<td>Disaster grants—public assistance fund</td>
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<tr>
<td>Soil/water conservation fund</td>
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<tr>
<td>Navigation projects fund</td>
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<tr>
<td>Recreation resource management fund</td>
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<tr>
<td>Cooperative endangered species conservation fund</td>
<td>No limit</td>
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<tr>
<td>Landowner incentive program fund</td>
<td>No limit</td>
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<tr>
<td>Bulletproof vest partnership fund</td>
<td>No limit</td>
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<tr>
<td>Recreational trails program fund</td>
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<tr>
<td>Highway planning/construction fund</td>
<td>No limit</td>
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<tr>
<td>Plant/animal disease and pest control fund</td>
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<td>Americorps—ARRA fund</td>
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<tr>
<td>Cooperative forestry assistance fund</td>
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<td>North America wetland conservation fund</td>
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<td>Wildlife services fund</td>
<td>No limit</td>
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<tr>
<td>Fish/wildlife management assistance fund</td>
<td>No limit</td>
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<tr>
<td>Fish/wildlife core act fund</td>
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<tr>
<td>Watershed protection/flood prevention fund</td>
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<td>Suspension fund</td>
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<td>Employee maintenance deduction clearing fund</td>
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<tr>
<td>Cabin revenue fund</td>
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<tr>
<td>Boating fund—federal</td>
<td>No limit</td>
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<tr>
<td>Wildlife fund—federal</td>
<td>No limit</td>
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<tr>
<td>Wildlife conservation fund—federal</td>
<td>No limit</td>
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<tr>
<td>Feed the hungry fund</td>
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<tr>
<td>State wildlife grants fund</td>
<td>No limit</td>
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<tr>
<td>Boating safety financial assistance fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>
Wildlife restoration fund .............................................. No limit
Sportfish restoration fund ........................................... No limit
Outdoor recreation acquisition, development and planning
fund................................................................. No limit
Publication and other sales fund ..................................... No limit
Free licenses and permits fund ....................................... No limit

(c) There is appropriated for the above agency from the state economic
development initiatives fund for the fiscal year ending June 30, 2012, the
following:
Travel and tourism operating expenditures....................... $1,849,037

Sec. 142.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following spe-
cial revenue fund or funds for the fiscal year ending June 30, 2012, all
moneys now or hereafter lawfully credited to and available in such fund or
funds, except that expenditures shall not exceed the following:
State highway fund................................................ No limit
Provided, That no expenditures may be made from the state highway fund
other than for the purposes specifically authorized by this or other appro-
priation act.
Special city and county highway fund.............................. No limit
County equalization and adjustment fund ...................... $2,489,906
Highway special permits fund ..................................... No limit
Highway bond debt service fund................................. No limit
Rail service improvement fund.................................. No limit
Transportation revolving fund .................................. No limit
Rail service assistance program loan guarantee fund........ No limit
Railroad rehabilitation loan guarantee fund .................... No limit
Provided, That expenditures from the railroad rehabilitation loan guarantee
fund shall not exceed the amount which the secretary of transportation is
obligated to pay during the fiscal year ending June 30, 2012, in satisfac-
tion of liabilities arising from the unconditional guarantee of payment which
was entered into by the secretary of transportation in connection with the
mid-states port authority federally taxable revenue refunding bonds, series
1994, dated May 1, 1994, authorized by K.S.A. 12-3420, and amendments
thereto, and guaranteed pursuant to K.S.A. 75-5031, and amendments
thereto.
Interagency motor vehicle fuel sales fund ....................... No limit
Provided, That expenditures may be made from the interagency motor ve-
hicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas
highway patrol: Provided further, That the secretary of transportation is
hereby authorized to fix, charge and collect fees for motor vehicle fuel sold
to the Kansas highway patrol: And provided further, That such fees shall
be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: And provided further, That all fees received for such sales of motor vehicle fuel shall be credited to the interagency motor vehicle fuel sales fund.

Coordinated public transportation assistance fund ............... No limit
Public use general aviation airport development fund ....... No limit
Highway bond proceeds fund ........................................ No limit
Communication system revolving fund ........................ No limit
Traffic records enhancement fund ............................... No limit
Kansas intermodal transportation revolving fund ........ No limit

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2012, from the state highway fund for the following specified purposes: Provided, That expenditures from the state highway fund for fiscal year 2012 other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Agency operations ...................................................... $287,917,013
Provided, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed $5,000: Provided further, That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto.

Conference fees .......................................................... No limit
Provided, That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: Provided further, That such fees shall be deposited in the state treasury and credited to the conference fees account of the state highway fund: And provided further, That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.

Substantial maintenance ............................................ No limit
Claims ................................................................. No limit
Payments for city connecting links ......................... $3,346,434
Federal local aid programs ........................................ No limit
Bond services fees .................................................... No limit
Construction, remodeling and special maintenance projects for buildings ........................................ $0
Provided, That expenditures may be made from the construction, remodeling and special maintenance projects for buildings account of the state highway fund of amounts in unexpended balances as of June 30, 2011, in capital improvement project accounts of projects approved for prior fiscal years: Provided further, That expenditures from this account of amounts in
such unexpended balances shall be in addition to any expenditure limitation imposed on this account for fiscal year 2012.

Other capital improvements ........................................ No limit

Provided, That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Buildings—rehabilitation and repair ............................ $3,288,642
- Buildings—reroofing .............................................. $240,614
- Buildings—other construction, renovation and repair.......... $2,554,220
- Buildings—equipment storage sheds ........................... $31,535

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2012, expenditures may be made by the above agency from the state highway fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: Provided, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2012 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2011, subject to the provisions of section (d): Provided further, That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2012.

(d) During the fiscal year ending June 30, 2012, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2012 from the state highway fund for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2012 from the state highway fund for the department of transportation: Provided, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On April 1, 2012, the director of accounts and reports shall transfer from the motor pool service fund of the department of administration to the state highway fund of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each
vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.

(f) During the fiscal year ending June 30, 2012, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund, the director of accounts and reports shall transfer from the state highway fund to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2012, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2012.

(h) For the fiscal year ending June 30, 2012, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717, and amendments thereto, additional documents that present the revenues, transfers, and expenditures that are considered to be in support of T-WORKS authorized by K.S.A. 68-2314b et seq., and amendments thereto: Provided, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.

(i) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer $51,250,000 from the state highway fund of the department of transportation to the state general fund: Provided, That the transfer of each such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: Provided further, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2012: And provided further, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.

Sec. 143. Position limitations. (a) The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2012, made in this or other appropriation act of the 2011 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council or pursuant to subsection (b):

Attorney General ............................................................ 109.38
Provided, That any attorney positions established in the insurance department for the purpose of defense of the workers compensation fund shall be in addition to any limitation imposed on the full-time and regular part-time equivalent number of positions, excluding seasonal and temporary positions, paid from appropriations made for fiscal year 2012 for the department of insurance.

Department of Commerce............................................. 251.80
Health Care Stabilization Fund Board of Governors .......... 18.00
Judicial Council....................................................... 4.00
Kansas Human Rights Commission.............................. 25.00
State Corporation Commission .................................... 212.00
Citizens’ Utility Ratepayer Board................................. 6.00
Department of Administration .................................... 568.25
Office of Administrative Hearings............................... 13.00
State Court of Tax Appeals........................................ 20.00
Department of Revenue............................................ 1,046.00
Kansas Lottery .......................................................... 99.00
Kansas Racing and Gaming Commission—state racing operations and expanded lottery act regulation division........ 75.53
Kansas Racing and Gaming Commission—state gaming agency ................................................................. 24.00
Department of Labor .................................................. 499.00
Kansas Commission on Veterans Affairs......................... 340.00
Department of Health and Environment—Division of Health................................................................. 554.38
Department of Health and Environment—Division of Environment ............................................................ 421.03
Department on Aging .................................................. 164.00
Department of Social and Rehabilitation Services .............. 3,119.13
Kansas Neurological Institute ....................................... 485.70
Larned State Hospital ................................................ 839.20
Osawatomie State Hospital .......................................... 396.40
Parsons State Hospital and Training Center...................... 455.20
Rainbow Mental Health Facility .................................... 112.20
Kansas Guardianship Program ...................................... 10.00
State Library ............................................................ 24.00

Kansas State School for the Blind................................ 82.50
Kansas State School for the Deaf................................. 150.50
State Historical Society ............................................. 117.00
State Board of Regents ........................................ 63.50
Department of Corrections..................................... 3,013.50
Juvenile Justice Authority ..................................... 474.50
Adjutant General................................................. 199.00
State Fire Marshal.............................................. 48.00
Attorney General—Kansas Bureau of Investigation.... 209.00
Emergency Medical Services Board ...................... 14.00
Kansas Sentencing Commission............................. 8.00
Kansas Commission on Peace Officers’ Standards and
Training .......................................................... 7.00
Kansas Department of Agriculture ......................... 353.49
State Fair Board................................................ 25.00
Kansas Water Office.......................................... 21.00
Kansas Department of Wildlife, Parks and Tourism .... 430.50
Department of Transportation.............................. 2,916.50

(b) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services may increase the position limitation for the department of social and rehabilitation services or for any institution or facility under the general supervision and management of the secretary of social and rehabilitation services by making a corresponding decrease in the position limitation for either the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such increase and corresponding decrease to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

(c) During the fiscal year ending June 30, 2012, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general—Kansas bureau of investigation for fiscal year 2012 made in this or other appropriation act of the 2011 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2012 for the attorney general—Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 144. (a) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June
30, 2012, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2012 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a, and amendments thereto, an aggregate amount of allowance (A) of $354.15 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2012 and for each of the 14 ensuing two-week periods thereafter, and (B) of $354.15 for the two-week period which coincides with the biweekly payroll period which includes April 1, 2012, which is chargeable to fiscal year 2012 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2012, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: Provided, That all expenditures under this subsection (a) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (a) and which are chargeable to fiscal year 2012.

(b) (1) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2011 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide each employee, who is eligible for a longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, an additional amount of longevity bonus payment during fiscal year 2012 equal to the amount required to provide, along with the amount of the longevity bonus payment otherwise payable pursuant to K.S.A. 75-5541, and amendments thereto, an aggregate amount of longevity bonus that would be payable if the amount of the longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, were determined by multiplying the number of full years of state service, not to exceed 25 years, rendered by such employee by $50: Provided, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same time that the longevity bonus payment determined under K.S.A. 75-5541, and amendments thereto, is payable during fiscal year 2012 to such employee: Provided further, That each such additional amount of longevity bonus payment to any such employee shall be deemed to have the same characteristics, be subject to the same withholding, deduction or contribu-
tion requirements, and is intended to be a bonus as defined in 29 C.F.R. § 778.208, to the same extent and effect as longevity bonus payments that are payable pursuant to K.S.A. 75-5541, and amendments thereto.

(2) As used in this subsection (b), ‘‘state agency’’ means any state agency in the executive branch, legislative branch or judicial branch of state government and ‘‘employee’’ means any officer or employee of a state agency.

Sec. 145.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities ...................... $153,737
Provided, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Judicial center rehabilitation and repair ......................... $76,939
Provided, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Replace Docking chillers .............................................. $483,885
National bio and agro-defense facility—debt service ........ $2,780,807
Kansas department of transportation—CTP—debt service .... $16,150,775
Statehouse improvements—debt service ....................... $23,460,788
Capitol complex repair and rehabilitation ..................... $2,456,448
Judicial center improvements—debt service ................... $97,225
Restructuring debt service ........................................ $2,220,675

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund ............................................. No limit
State facilities gift fund ........................................... No limit
Master lease program fund ........................................ No limit
State buildings depreciation fund ................................ No limit
Executive mansion gifts fund .................................... No limit
Topeka state hospital cemetery memorial gift fund .......... No limit
Landon state office building repair expense fund ............. No limit
MacVicar avenue assessment expense fund .................... No limit
Capitol area plaza authority planning fund ..................... No limit

Provided, That, the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza
and the state zoning area described in K.S.A. 75-3619, and amendments thereto. Provided further, That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol plaza area authority planning fund.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor pool shop—debt service</td>
<td>No limit</td>
</tr>
<tr>
<td>Paint and grounds shop—debt service</td>
<td>No limit</td>
</tr>
<tr>
<td>Parking improvements and repair</td>
<td>No limit</td>
</tr>
</tbody>
</table>

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2012, expenditures may be made by the above agency from the building and ground fund for fiscal year 2012 from any unencumbered balance as of June 30, 2011, in each of the following capital improvement accounts of the building and ground fund: Parking improvements and repair: Provided, That the expenditures for fiscal year 2011 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the building and ground fund for the fiscal year 2012 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the building and ground fund for the fiscal year 2012.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Kansas facilities projects—debt</td>
<td>No limit</td>
</tr>
<tr>
<td>service</td>
<td></td>
</tr>
<tr>
<td>Rehabilitation and repair</td>
<td>$400,000</td>
</tr>
</tbody>
</table>

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2012.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each capital improvement account of
the state buildings depreciation fund for one or more projects approved for prior fiscal years: Provided, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2012.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Memorial hall—debt service ........................................... No limit
Docking cooling towers replacement—debt service ........ No limit
Eisenhower building purchase and renovation—debt service ........................................... No limit

(h) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Printing plant—debt service........................................... No limit

(i) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service depreciation reserve fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service depreciation reserve fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair ........................................... $75,000

(j) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct
and repair the state capitol: Provided, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $24,300,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: And provided further, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

(k) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: Provided, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $10,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves
for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: And provided further, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

Sec. 146.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the reimbursement and recovery fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year 2012, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service—1430 Topeka facilities.............................. $133,650

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser—federal fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser—federal fund during the fiscal year 2012, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair .............................................. $80,000

Sec. 147.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance department rehabilitation and repair fund........... No limit

Provided, That the above agency shall increase its bond principal payment to $348,850, for purposes of paying the remaining balance in full.

Sec. 148.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:
Rehabilitation and repair projects................................. $1,415,629

Provided. That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 2012 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01 or 76-12a18, and amendments thereto, for projects approved by the secretary of social and rehabilitation services: Provided further, That expenditures also may be made from this account during fiscal year 2012 for the purposes of rehabilitation and repair for facilities of the department of social and rehabilitation services other than any institution, as defined by K.S.A. 76-12a01 or 76-12a18, and amendments thereto.

Debt service—new state security hospital ...................... $3,673,725
Debt service—state hospitals rehabilitation and repair....... $2,590,650

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2012, expenditures may be made by the above agency from the other state fees fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair ........................... $200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 2012.

Sec. 149.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Employment security administration property sale fund ..... No limit

Provided, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund for the unemployment insurance program: Provided, however, That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(b) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may
be made by the department of labor for fiscal year 2012 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: Provided, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, and acting after receiving the recommendations of the joint committee on state building construction: Provided, however, That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: Provided further, That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of labor: And provided further, That all expenditures from this fund shall not exceed the limitation established for fiscal year 2012.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2012, expenditures may be made by the above agency from the special employment security fund for the following capital improvement projects: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: Provided, That expenditures from the special employment security fund for fiscal year 2012 for such capital improvement purposes shall not exceed $184,377: Provided further, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2012.

Sec. 150.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Soldiers’ home rehabilitation and repair projects............... $274,585
Veterans’ home rehabilitation and repair projects............... $573,505

Sec. 151.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institu-
tions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:
Facilities conservation improvement debt service.............. $30,509

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:
Rehabilitation and repair projects.............................. $86,460
Security system upgrade project................................. $105,236
Facilities conservation improvement debt service........... $31,979

Sec. 152.
KANSAS STATE SCHOOL FOR THE DEAF
(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:
Rehabilitation and repair projects.............................. $36,070
Roth building repairs............................................ $279,449
Facilities conservation improvement debt service........... $63,850

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:
Rehabilitation and repair projects.............................. $300,000
Roth building repairs............................................ $1,883,121
Facilities conservation improvement debt service........... $66,520

Sec. 153.
STATE HISTORICAL SOCIETY
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:
Rehabilitation and repair projects.............................. $175,000
Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the national historic preservation act fund—local for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the national historic preservation act fund—local for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
John Brown museum window and door repair project........ $58,140
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the national historic preservation act fund—local for fiscal year 2012.
(c) In addition to other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

John Brown museum window and door repair project........ $38,760
Shawnee Indian mission west building project.............. $75,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the private gifts, grants and bequests fund for fiscal year 2012.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the fund for fiscal year 2012, expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the historic properties fee fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011; Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the historic properties fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the historic properties fee fund for fiscal year 2012.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2012, expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the state historical facilities fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the state historical facilities fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the state historical facilities fund for fiscal year 2012.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the save America’s treasures fund for fiscal year 2012, expenditures may be made by the above agency from the save America’s treasures fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the save America’s treasures fund: Provided, That expenditures from the
unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the save America’s treasures fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the save America’s treasures fund for fiscal year 2012.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2012, expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the historical society capital improvement fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the historical society capital improvement fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the historical society capital improvement fund for fiscal year 2012.

Sec. 154.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student union refurbishing fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Twin towers project revenue fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Twin towers bond and interest sinking fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Twin towers maintenance and equipment reserve fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Deferred maintenance support fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Infrastructure maintenance fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

(b) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educa-
ational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

Sec. 155.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Lewis field renovation—bond and interest sinking fund: No limit
- Lewis field renovation—revenue fund: No limit
- Memorial union renovation debt service fund: No limit
- Deferred maintenance support fund: No limit
- Infrastructure maintenance fund: No limit
- Soccer facility fund: No limit
- Wind power generation facility fund: No limit
- Indoor practice facility: No limit

(b) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(c) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2012 to raze wing “A” of Wiest hall.

Sec. 156.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Engineering complex phase II private gift fund: No limit
Ackert hall addition—gifts and grants fund........................... No limit
Student life center—Salina construction debt service fund... No limit
Deferred maintenance support fund ................................. No limit
Infrastructure maintenance fund.................................... No limit
Child care fund..................................................................... No limit

(b) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to redevelop, renovate and equip the Jardine apartments: Provided, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $102,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund or any other appropriate special revenue fund or funds of Kansas state university.

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educa-
tional building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(d) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 to raze building no. 457 (elevator and feed mill), building no. 437 (herdsman house), building no. 10002 (art kiln), building no. 145 (vet surgical instruction), building no. 200 (vet research lab greyhound kennels), building no. 224 (food animal barn and shed) and portions of building no. 025 (seaton court).

(e) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct a grain science center feed mill: Provided, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $5,400,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such
(f) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from any special revenue fund for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to remove the old chemical waste landfill: Provided, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $3,700,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, moneys deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

(g) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand and renovate the Snyder Family stadium: Provided, That such capital improvement project is hereby approved for Kansas state university for the purposes of
subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $50,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

(h) For fiscal year ending June 30, 2011, Kansas state university is authorized to enter into a lease purchase agreement with the Kansas state university foundation for a new grain science center feed mill.

Sec. 157.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2012, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2012 for the following capital improvement project or projects:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equine education and research center</td>
<td>No limit</td>
</tr>
<tr>
<td>Grain science center</td>
<td>No limit</td>
</tr>
<tr>
<td>Southeast research—extension center building</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Sec. 158.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armory/classroom/recreation center debt service</td>
<td>$322,199</td>
</tr>
</tbody>
</table>

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horace Mann renovation revenue fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>
(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(d) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for parking improvements: Provided, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $4,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds.
(e) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or any special revenue fund or funds for Pittsburg state university for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for student housing improvements and construction: Provided, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $22,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds.

Sec. 159.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified as follows:

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>School of pharmacy debt service</td>
<td>$1,627,949</td>
</tr>
<tr>
<td>School of pharmacy debt service 2009</td>
<td>$2,451,462</td>
</tr>
</tbody>
</table>

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student union renovation revenue fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Student health facility maintenance, repair, and equipment fee fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Regents center revenue fund—KDF A D bonds, 1990</td>
<td>No limit</td>
</tr>
<tr>
<td>Parking facilities surplus fund—KDF A G bonds, 1993</td>
<td>No limit</td>
</tr>
</tbody>
</table>
Provided, That the university of Kansas may make expenditures from the parking facilities surplus fund—KDFA G bonds, 1993 for capital improvements to parking lots in addition to the expenditure of other moneys appropriated therefor: Provided further, That the university of Kansas may transfer moneys during fiscal year 2012 from the parking facilities surplus fund—KDFA G bonds, 1993 to the restricted fees fund.

Deferred maintenance support fund .......................... No limit
Infrastructure maintenance fund .............................. No limit
Athletic facilities enhancements special revenue fund KDFA
   A university proceeds ......................................... No limit
Child care facility operations account fund .................. No limit
Child care facility student fee account fund ................. No limit
Student recreation & fitness center revenue fund .......... No limit
Child care facility addition fund .............................. No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2012 from the restricted fees fund or the general fees fund to the child care facility addition fund for the capital improvement project to construct an addition to the child care facility: Provided further, That upon completion of the construction project, the university of Kansas may transfer unused moneys from the child care facility addition fund to the general fees fund or the restricted fees fund.

Smissman hall renovation fund ................................. No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2012 from the restricted fees fund and general fees fund to the Smissman hall renovation fund for the renovation project for Smissman hall: Provided further, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the restricted fees fund in the Smissman hall renovation fund to the restricted fees fund: And provided further, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the general fees fund in the Smissman hall renovation fund to the general fees fund.

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(d) In addition to the other purposes for which expenditures may be
made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for the university of Kansas for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for the university of Kansas for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the renovation of Gertrude Sellards Pearson hall: Provided, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $13,075,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds.

Sec. 160. UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking fund—K.C. campus</td>
<td>No limit</td>
</tr>
<tr>
<td>Deferred maintenance support fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Infrastructure maintenance fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Construct parking facility #4 fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2012 from appropriate accounts of the parking fees fund to the construct parking facility #4 fund for such capital improvement project.

Lied biomedical research building renovation—gift and grant fund No limit
(b) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored research overhead fund to the construct and equip center for health in aging bond revenue fund.

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

Sec. 161. WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aviation research debt service</td>
<td>$1,643,614</td>
</tr>
</tbody>
</table>

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>On campus parking reserve account fund—KDFA B bonds</td>
<td>No limit</td>
</tr>
<tr>
<td>Parking system project—maintenance fund, KDFA revenue bonds</td>
<td>No limit</td>
</tr>
<tr>
<td>On campus parking principal and interest fund—KDFA B bonds</td>
<td>No limit</td>
</tr>
<tr>
<td>Parking system project revenue fund—KDFA bonds</td>
<td>No limit</td>
</tr>
<tr>
<td>WSU housing system surplus fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Deferred maintenance support fund</td>
<td>No limit</td>
</tr>
<tr>
<td>Infrastructure maintenance fund</td>
<td>No limit</td>
</tr>
</tbody>
</table>

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.
regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(d) In addition to the other purposes for which expenditures may be made by Wichita state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Wichita state university from moneys appropriated from the state general fund or from the state general fund or funds or from any special revenue fund for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct Rhatigan student center: Provided, That such capital improvement project is hereby approved for Wichita state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Wichita state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $33,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

Sec. 162.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

PEI infrastructure—debt service ................................................... $6,063,625

Provided, That, during the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund for fiscal
year 2012 in the PEI infrastructure—debt service account of the state general fund for fiscal year 2012 following after the principal payment has been received for fiscal year 2012 by the state treasurer from the postsecondary institutions that were recipients of the PEI infrastructure bond proceeds, (1) the state board of regents may expend the amount of moneys appropriated for fiscal year 2012 in the PEI infrastructure—debt service account for the principal payment from the PEI infrastructure—debt service account for any other purpose for which moneys are appropriated for fiscal year 2012 from the state general fund for the state board of regents; or (2) the state board of regents may transfer such amount of moneys from the PEI infrastructure—debt service account of the state general fund for fiscal year 2012 to an account or accounts of the state general fund of any institution under the control and supervision of the state board of regents to be expended by the institution for a purpose for which expenditures may be made for fiscal year 2012 from such account or accounts and which is approved by the state board of regents: Provided further, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the PEI infrastructure—debt service account of the state general fund for fiscal year 2012: And provided further, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

| Postsecondary educational infrastructure finance KDFA 2008A revenue fund | No limit |
| Infrastructure maintenance fund | No limit |

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified as follows:

| Debt service—revenue bonds issued for major remodeling and new construction projects at state educational institutions | $13,745,075 |
| Rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education | $15,000,000 |

Provided, That the state board of regents is hereby authorized to transfer moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund
of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: Provided, however, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: Provided further, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account: And provided further, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Research bond debt service fund ........................................ No limit

Sec. 163.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues................................................................. $614,303
Debt service payment for the infrastructure projects bond issue .............................................................. $1,545,000
Debt service payment for the reception and diagnostic unit relocation bond issue ................................... $964,000

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues ........................................................................ $1,689,697
Capital improvements—rehabilitation and repair of correctional institutions ........................................... $3,071,303

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2012 from the capital improvements—rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2012 by the
institutions or facilities for capital improvement projects and for security improvement projects including acquisition of security equipment.

Debt service payment for the prison capacity expansion projects bond issue ........................................ $131,000

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Correctional facilities infrastructure projects fund ................... No limit
  Provided, That the department of corrections may make expenditures from the correctional facilities infrastructure projects fund for a capital improvement project or projects to improve agency facilities: Provided, however, That expenditures from this fund for such capital improvement project or projects, including necessary furniture and equipment, shall not exceed the amount transferred to the correctional facilities infrastructure projects fund: Provided further, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2012 from the correctional facilities infrastructure projects fund to an account or subaccount of the correctional facilities infrastructure projects fund of any institution or facility under the jurisdiction of the secretary of corrections.

(d) In addition to other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the correctional institutions building fund or from any other special revenue fund or funds for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the correctional institutions building fund or from any other special revenue fund or funds for fiscal year 2012 to raze the: (1) Training building no. 4005, at the Hutchinson correctional facility; (2) vending machine building no. 541, at the Hutchinson correctional facility; and (3) maintenance building no. 8, at the Lansing correctional facility.

Sec. 164.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

- Capital improvements—rehabilitation and repair of juvenile correctional facilities ........................................ $373,859

Provided, That the commissioner of juvenile justice is hereby authorized to transfer moneys during fiscal year 2012 from the capital improvements—rehabilitation and repair of juvenile correctional facilities account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution
under the general supervision and management of the commissioner of
juvenile justice to an account or accounts of the state institutions building
fund of any juvenile correctional facility or institution under the general
supervision and management of the commissioner of juvenile justice to be
expended during fiscal year 2012 for capital improvement projects ap-
proved by the commissioner of juvenile justice: Provided further, That the
commissioner of juvenile justice shall certify each such transfer to the di-
rector of accounts and reports and shall transmit a copy of each such cer-
tification to the director of the budget and the director of legislative re-
search.

Debt service—Topeka complex and Larned juvenile correc-
tional facility ................................................................. $3,995,513
Backup generator—Kansas juvenile correctional complex .. $408,118
Raze pig barn—Kansas juvenile correctional complex ...... $10,000

(b) In addition to other purposes for which expenditures may be made
by the juvenile justice authority from the moneys appropriated from the
state institutions building fund or from any other special revenue fund or
funds for fiscal year 2012 as authorized by this or other appropriation act
of the 2011 regular session of the legislature, expenditures may be made
by the juvenile justice authority from moneys appropriated from the state
institutions building fund or from any special revenue fund or funds for
fiscal year 2012 to raze the pig barn no. 18, at the Kansas juvenile correc-
tional complex.

Sec. 165. ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state
general fund for the fiscal year ending June 30, 2012, for the capital im-
provement project or projects

Rehabilitation and repair projects ........................................ $100,000

Sec. 166. KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be
made from the highway patrol training center fund for fiscal year 2012,
expenditures may be made by the above agency from the highway patrol
training center fund for fiscal year 2012 for the following capital improve-
ment project or projects, subject to the expenditure limitation prescribed
therefor:

Rehabilitation and repair—training center—Salina ............. $52,330

Provided, That all expenditures from each such capital improvement ac-
count shall be in addition to any expenditure limitation imposed on the
highway patrol training center fund for fiscal year 2012.

(b) In addition to the other purposes for which expenditures may be
made from the vehicle identification number fee fund for fiscal year 2012,
expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service—vehicle inspection facility—Olathe............ $58,056

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the vehicle identification number fee fund for fiscal year 2012.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2012, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service—Topeka fleet service ................................ $370,200
Scale replacement and rehabilitation and repair of buildings ................................................................. $227,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the Kansas highway patrol operations fund for fiscal year 2012.

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $597,200 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute; transfers and expenditures may be made from the state highway fund during fiscal year 2012 for support and maintenance of the Kansas highway patrol.

Sec. 167.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service—training center ...................................... $722,556
Debt service—armory/classroom/recreation center at PSU.. $118,188
Debt service—rehabilitation and repair of the statewide armories ................................................................. $2,752,074
Rehabilitation and repair projects ............................. $176,338

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Sec. 168.  

STATE FAIR BOARD  

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund............................... No limit  

(b) On or before the 10th of each month during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 169.  

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM  

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service—Kansas city district office ........................ $6,600  

Provided, That any unencumbered balance in the debt service—Kansas city district office account in excess of $100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund................................. No limit  

Provided, That, in addition to other purposes for which expenditures may be made by the above agency from the department access road fund, expenditures may be made from this fund for road improvement projects administered by the department of transportation in state parks and on public lands.

Bridge maintenance fund................................. No limit  

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $2,755,458 from the state highway fund of the department of transportation to the department access road fund of the Kansas department of wildlife, parks and tourism.

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the Kansas department of wildlife, parks and tourism.

(e) In addition to the other purposes for which expenditures may be
made by the above agency from the state agricultural production fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Leavenworth state fishing lake cabins............................ $50,000

(f) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2012, expenditures may be made by the above agency from the parks fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the parks fee fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the parks fee fund for fiscal year 2012.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

River access................................................................. $250,000
Debt service—Kansas city district office ......................... $10,400

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2012.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2012, expenditures may be made by the above agency from the boating fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the boating fee fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2012.
(i) In addition to the other purposes for which expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2012, expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the boating safety and financial assistance fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating safety and financial assistance fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the boating safety and financial assistance fund for fiscal year 2012.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Federally mandated boating access: $1,204,000
- Land acquisition: $150,000
- Shooting range development: $100,000
- Debt service—Kansas city office: $38,000
- Lovewell reservoir entrainment project: $150,000
- Hatchery improvements: $150,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2012.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife fee fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fee fund for fiscal year 2012.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal
year 2012, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife conservation fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2012.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabin site preparation</td>
<td>$300,000</td>
</tr>
</tbody>
</table>

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2012.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the cabin revenue fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the cabin revenue fund for fiscal year 2012.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund—federal for fiscal year 2012, expenditures may be made by the above agency from the wildlife conservation fund—federal for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife conservation fund—federal: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund—federal for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund—federal for fiscal year 2012.
addition to any expenditure limitation imposed on the wildlife conservation fund—federal for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund—federal for fiscal year 2012.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Wetlands acquisition and development ......................... $450,000
- Land acquisition ................................................. $150,000
- Rehabilitation and repair ........................................ $542,500
- Hatchery improvements ....................................... $450,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife restoration fund for fiscal year 2012.

(q) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2012, expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife restoration fund. Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife restoration fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife restoration fund for fiscal year 2012.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Dam Repair ........................................................... $100,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the sport fish restoration program fund for fiscal year 2012.

(s) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for
fiscal year 2012, expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the sport fish restoration program fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the sport fish restoration program fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the sport fish restoration program fund for fiscal year 2012.

(t) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

| Wetlands acquisition | $200,000 |

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2012.

(u) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the migratory waterfowl propagation and protection fund for fiscal year 2012.

(v) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2012, expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the nongame wildlife improvement fund: Provided, That ex-
penditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund for fiscal year 2012.

(w) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund—federal for fiscal year 2012, expenditures may be made by the above agency from the nongame wildlife improvement fund—federal for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the nongame wildlife improvement fund—federal: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund—federal for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund—federal for fiscal year 2012.

(x) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund—local for fiscal year 2012, expenditures may be made by the above agency from the land and water conservation fund—local for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the land and water conservation fund—local: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the land and water conservation fund—local for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund—local for fiscal year 2012.

(y) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the outdoor recreation acquisition, development and planning fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
Land and water conservation—state repair and rehabilitation

$375,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2012.

(2) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2012, expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the outdoor recreation acquisition, development and planning fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the outdoor recreation acquisition, development and planning fund for fiscal year 2012.

(aa) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the recreational trails program fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program

$400,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the recreational trails program fund for fiscal year 2012.

(bb) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012, expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed
on the recreational trails program fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the recreational trails program fund for fiscal year 2012.

(cc) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2012, expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the federally licensed wildlife areas fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the federally licensed wildlife areas fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the federally licensed wildlife areas fund for fiscal year 2012.

(dd) In addition to the other purposes for which expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2012, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the department of wildlife and parks gifts and donations fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the department of wildlife and parks gifts and donations fund for fiscal year 2012.

(ee) In addition to the other purposes for which expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2012, expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the Tuttle Creek state park mitigation project fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the Tuttle Creek state park mitigation project fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any
such account of the Tuttle Creek state park mitigation project fund for fiscal year 2012.

(ff) In addition to the other purposes for which expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2012, expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the highway planning/construction fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the highway planning/construction fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the highway planning/construction fund for fiscal year 2012.

(gg) In addition to the other purposes for which expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2012, expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the state wildlife grants fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the state wildlife grants fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the state wildlife grants fund for fiscal year 2012.

Sec. 170. (a) On or before June 30, 2011, the chief administrative officer of each cabinet agency (1) shall determine the amount of moneys appropriated in each account of the state general fund appropriated for fiscal year 2011 for the cabinet agency and the amount or amounts of moneys appropriated in each account of each special revenue fund appropriated for fiscal year 2011 for the cabinet agency that are not required to be expended or encumbered for the fiscal year ending June 30, 2011, that are not required, in the case of a special revenue fund, to be maintained in such special revenue fund for the ensuing fiscal year or years, and that may be lapsed or transferred to the state general fund under this section, and (2) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: Provided, That, on or before June 30, 2011, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by a cabinet agency pursuant to this section,
to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: Provided further, That, on or before June 30, 2011, the director of the budget shall certify each amount, which is certified by a cabinet agency, that is appropriated from a special revenue fund or that is credited to a special revenue fund, which is appropriated to the cabinet agency, to the director of accounts and reports and, upon receipt of such certification from the director of the budget, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer the amount so certified from the special revenue fund to the state general fund: Provided, however, That no federal moneys shall be certified by the director of the budget to the director of accounts and reports and the director of accounts and reports shall not transfer any federal moneys to the state general fund pursuant to this subsection (b): And provided further, That the aggregate of all amounts lapsed from appropriations from the state general fund pursuant to this section, plus all amounts transferred from special revenue funds to the state general fund pursuant to this section, shall be equal to $5,000,000 or more: And provided further, That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(b) As used in this section, ‘‘cabinet agency’’ means the (1) the department of administration, (2) the department of revenue, (3) the department of commerce, (4) the department of labor, (5) the department of health and environment, (6) the department on aging, (7) the department on social and rehabilitation services, (8) the department of corrections, (9) the juvenile justice authority, (10) the adjutant general, (11) the Kansas highway patrol, (12) the Kansas department of agriculture, (13) the Kansas department of wildlife, parks and tourism, and (14) the department of transportation.

(c) As used in this section, ‘‘special revenue fund’’ does not include the Kansas educational building fund or the state institutions building fund.

Sec. 171. (a) On June 30, 2012, notwithstanding the provisions of K.S.A. 79-4804, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $5,785,830 from the state economic development initiatives fund to the state general fund.

Sec. 172.

STATE FINANCE COUNCIL

(a) On July 1, 2011, the $8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

(b) On July 1, 2012, the $8,534,972 appropriated for the above agency
for the fiscal year ending June 30, 2013, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

Sec. 173. (a) On and after the effective date of this act, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, by any state agency for any profession or trade associations membership fees or dues or subscriptions for professional or trade magazines for state officers or employees: Provided, That the amount equal to the aggregate of any savings under this subsection from each account of the state general fund of each state agency for the year ending June 30, 2011, as determined and certified by the director of the budget, after consultation with the director of legislative research, to the director of accounts and reports, is hereby lapsed: Provided further, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

Sec. 174. (a) On and after July 1, 2011, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the months of April, May and June, 2012, that constitute such state agency’s portion of the state’s contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

(b) (1) On July 1, 2011, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.

(2) On July 1, 2011, the amount in each account of the state economic development initiatives fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the
budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.

(3) On July 1, 2011, the amount in each account of the state water plan fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.

(c) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to the amount that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, from such special revenue fund, or account thereof.

(d) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to this section, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 175. (a) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency that is budgeted for state operations for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the sum equal to $5,900,000 which is not exempt, is hereby lapsed in accordance with this subsection: Provided, That the following are exempt from and shall not be reduced by such lapsing provision: (1) Any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for any state agency for the provision of programmatic services, (2) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the legislature or any agency of the legislative branch of state government, (3) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the judicial branch or any agency of the judicial branch of state government, (4) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the department of transportation, (5) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for any state school aid program, (6) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for human services caseloads
for the department of social and rehabilitation services, the division of health care finance of the department of health and environment, the juvenile justice authority or the department on aging, (7) any item of appropriation or reappropriation for debt service for contractual bond obligations, including any transfer from the state general fund to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto, and (8) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto:

[†]

And provided further, That the director of the budget, after consultation with the director of legislative research, shall determine the amount to be lapsed under this subsection from each account of the state general fund of each state agency and shall certify such amount to the director of accounts and reports:

And provided further, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

Sec. 176. On July 1, 2011, K.S.A. 2010 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, except that for the fiscal year ending June 30, 2010 2012, notwithstanding the other provisions of this section, on March 1, 2010 2012, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of $300,000 $350,000 or the amount equal to 5% of the total gross receipts during fiscal year 2010 2012 from state fair activities and non-fair days activities through March 1, 2010 2012.
(2) for the fiscal year ending June 30, 2011, notwithstanding the other provisions of this section, on March 1, 2011, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of $350,000 or the amount equal to 5% of the total gross receipts during fiscal year 2011 from state fair activities and non-fair days activities through March 1, 2011, 2012, except that, (1) subject to approval by the director of the budget prior to March 1, 2010, 2012, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2010, 2012, the state fair board may certify an amount on March 1, 2010, 2012, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2010, 2012, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2010, and (2) subject to approval by the director of the budget prior to March 1, 2011, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2011, the state fair board may certify an amount on March 1, 2011, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2011, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2011, 2012. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that: (1) No transfer from the state general fund under this subsection shall exceed $300,000 in any fiscal year; and (2) no moneys shall be transferred pursuant to this section from the state general fund to
the state fair capital improvements fund during the fiscal year ending June 30, 2010, June 30, 2011, or June 30, 2012.

Sec. 177. On July 1, 2011, K.S.A. 2010 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2010 Supp. 12-5253 through 12-5255, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) On the effective date of this act and on July 1, 2008, July 1, 2013, and July 1, 2014, the director of accounts and reports shall transfer $4,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959, and amendments thereto. On July 1, 2012, and on July 1, 2013, the director of accounts and reports shall transfer $2,000,000 from the economic development initiatives fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959, and amendments thereto. On July 1, 2012, and on July 1, 2013, the director of accounts and reports shall transfer $2,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959, and amendments thereto.

Sec. 178. On July 1, 2011, K.S.A. 2010 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2016, the director of accounts and reports shall transfer $100,000 from the state general fund, $100,000 from the state water plan fund established by K.S.A. 82a-951, and amendments thereto, and $100,000 from the conservation fee fund established by K.S.A. 55-143, and amendments thereto, to the abandoned oil and gas well fund established by K.S.A. 55-192, and amendments thereto, except that: (a) No transfers shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during state fiscal year 2009, state fiscal year 2010, state fiscal year 2011 or state fiscal year 2012 or state fiscal year 2013; (b) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2009 shall not exceed $320,000; (c) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2010 shall not exceed $288,000; and (d) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2011 shall not exceed $374,865; and (e) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2012 shall not exceed $400,000.

Sec. 179. On July 1, 2011, K.S.A. 2010 Supp. 72-8814 is hereby amended to read as follows: 72-8814. (a) There is hereby established in the
state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

1. Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest $1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

2. determine the median AVPP of all school districts;

3. prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal $1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal $1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

4. determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each $1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each $1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2010 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

5. determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;

6. multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.

(c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts, except that no transfers shall be
made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending June 30, 2011, or June 30, 2012, or June 30, 2013. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.

(e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 180. On July 1, 2011, K.S.A. 2010 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) Subject to the provisions of subsection (f), in each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest $1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal $1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal $1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median
AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each $1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each $1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2010 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and

(7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, and June 30, 2013, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.
(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 181. On July 1, 2011, K.S.A. 2010 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, 2011, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2010 regular session of the legislature.

Sec. 182. On July 1, 2011, K.S.A. 2010 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2010 Supp. 76-774, and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either (1) the endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution, or (2) the faculty of distinction program fund
of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, and June 30, 2013, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed $30,000,000. The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed $10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section and amendments thereto for a fiscal year is equal to or greater than $6,000,000 in fiscal year 2009, $7,000,000 in fiscal year 2010 and $8,000,000 in fiscal year 2011 and in each fiscal year thereafter.

Sec. 183. On July 1, 2011, K.S.A. 2010 Supp. 76-783 is hereby amended to read as follows: 76-783. (a) (1) The Kansas development finance authority is hereby authorized to issue from time to time bonds on behalf of the board of regents in such principal amounts as the Kansas development finance authority and the board of regents determine to be necessary to provide sufficient funds to finance scientific research and de-
velopment facilities, including, but not limited to, the payment of interest on such bonds, the establishment of reserves to secure such bonds, costs of issuance, refunding any outstanding bonds, and all other expenditures of the board of regents incident to and necessary or convenient to carry out the powers and functions authorized by this act. The Kansas development finance authority shall not issue any bond or bonds on behalf of the corporation formed by the board of regents under this act. The Kansas development finance authority shall not issue bonds under this act for more than $120,000,000, in the aggregate, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such scientific research and development facilities and any required reserves for payment of principal and interest on any such bond.

(2) Except as may otherwise be expressly provided by the board of regents, every obligation of the board of regents with respect to such bonds shall be an obligation of the board of regents payable out of any revenues or moneys of the board of regents derived from annual appropriations of the legislature. Subject only to any agreements with holders of particular bonds pledging any particular revenues, the board of regents shall use moneys derived from scientific research and development facilities to provide funds sufficient to pay principal and interest on any bonds issued pursuant to this act commencing after the date a project is completed and has been accepted by the board of regents. Subject to the provisions of appropriation acts, payment of principal and interest on the bonds shall be made by the state board of regents from annual appropriations by the legislature from such revenues as are furnished by the board of regents, or from any other available funds, in amounts sufficient to pay principal and interest on the bonds until the bonds are finally paid.

(3) Upon acceptance by the board of regents of each project initiated and completed under this act and upon a determination by the board of regents that the period for repayment of debt for such project is to commence, the board of regents shall certify to the director of accounts and reports that principal and interest payments for such project are to commence and the dates and amounts of all principal and interest payments for such project. Pursuant to such certification and commencing on or after July 1, 2004, the director of accounts and reports shall transfer, from the state general fund to the debt service fund or funds at a state educational institution as specified in the certification for such project, the amount certified on or before the respective payment date therefor. Transfers shall be made under this section pursuant to any such certification on or after July 1, 2004. All such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, and June 30, 2013, shall be considered to be revenue transfers from the state general fund. The aggregate of all such transfers from the state general fund during any fiscal year shall not exceed $10,000,000 and the aggregate of all such transfers from the state general fund under this section shall not exceed $50,000,000. The Kansas devel-
The bonds shall be authorized by a resolution adopted by the board of directors of the Kansas development finance authority.

(2) Except as otherwise provided in this act, bonds issued by the Kansas development finance authority under authority of this act shall be subject to the provisions of K.S.A. 74-8901 et seq., and amendments thereto.

(c) Any resolution authorizing the board of regents to incur any obligation with respect to bonds issued by the Kansas development finance authority may contain such provisions as deemed appropriate by the board of regents for the purpose of carrying out the purposes of this act and securing such bonds, which shall be a part of the contract with the holders thereof, including, but not limited to, provisions:

(1) Pledging all or any part of the revenues of the board of regents derived from scientific research and development facilities to secure the payment of the bonds or of any issue thereof, subject to such agreements with bondholders as may then exist;

(2) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(3) limitations on the issuance of additional bonds or other obligations, the terms upon which additional bonds or obligations may be issued and secured, and the refunding of outstanding or other bonds;

(4) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the board of regents to the Kansas development finance authority, the applicable bond trustee or the holders of the bonds, except that such rights and remedies shall not be inconsistent with the general laws of this state and the other provisions of this act; and

(5) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.

(d) Any of the provisions relating to any bonds described in this section may be set forth in a trust indenture, loan agreement, lease agreement or other financing document authorized by a resolution of the board of regents or the board of directors of the Kansas development finance authority.

(e) The bonds of each issue may, in the discretion of the board of directors of the Kansas development finance authority, be made redeemable before maturity at such prices and under such terms and conditions as may be determined by the board of directors of the Kansas development finance authority. Bonds issued on behalf of the board of regents shall mature at such time, not exceeding 30 years from their date of issue, as may be determined by the board of regents and the board of directors of the Kansas development finance authority. The bonds may be issued as serial bonds.
payable in annual installments or as term bonds or as a combination thereof. The bonds shall bear interest at such rate either fixed or variable, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment and at such place, and be subject to such terms of redemption as provided in the resolution of trust indenture. The bonds may be sold by the Kansas development finance authority, at public or private sale, at such price as the board of directors of the Kansas development finance authority shall determine.

(f) In case any officer of the Kansas development finance authority whose signature or a facsimile of whose signature appears on any bonds or coupons attached thereto ceases to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

(g) Any bonds issued by the Kansas development finance authority pursuant to this section, and the income therefrom (including any profit from the sale thereof) shall at all times be free from taxation by the state or any agency, political subdivision or instrumentality of the state, including income and property taxes.

(h) Any holder of bonds issued under the provisions of this act, or any coupons appertaining thereto and the trustee under any trust agreement or resolution authorizing the issuance of such bonds, except the rights under this act may be restricted by such trust agreement or resolution, may, either at law or in equity by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the state or granted under this act or under such agreement or resolution, or under any other contract executed by the board of regents pursuant to this act, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the board of regents or by an officer thereof.

(i) The bonds shall be special, limited obligations of the Kansas development finance authority and the state shall not be liable for bonds issued by the Kansas development finance authority on behalf of the board of regents, and such bonds shall not constitute a debt of the state.

(j) Neither the board of regents, the board of the Kansas development finance authority nor any authorized employee of the board of regents or the Kansas development finance authority shall be personally liable for such bonds by reason of the issuance thereof.

(k) Nothing in this act shall be construed as a restriction or limitation upon any other powers which the board of regents might otherwise have under any other law of this state, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred
by other laws. The issuance of bonds under the provisions of this act need not comply with the requirements of any other state law applicable to the issuance of bonds. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument as security therefor, except as is provided in this act.

(l) Any of the provisions relating to bonds described in this section may be included in any contracts between the board of regents and the Kansas development finance authority relating to obligations of the Kansas development finance authority issued on behalf of the board of regents.

Sec. 184. On July 1, 2011, K.S.A. 2010 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, $7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto.

(2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2010, pursuant to this section.

(3) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2011, pursuant to this section.

(4) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2012, pursuant to this section.

All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

Sec. 185. On July 1, 2011, K.S.A. 2010 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local
ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2009, 2010, 2011, and 2012, and 2013, and (2) the amount of the transfer on each such date shall be $13,500,000 during fiscal year 2013, $20,250,000 during fiscal year 2014, and $27,000,000 during fiscal year 2015 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 186. On July 1, 2011, K.S.A. 2010 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years 2011 and 2012 and 2013. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 187. On July 1, 2011, K.S.A. 2010 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. (a) On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-
3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during state fiscal year 2010, state fiscal year 2011, or state fiscal year 2012; or state fiscal year 2013; (3) all transfers under this section shall be considered to be demand transfers from the state general fund; and (3)(A) (4)(A) on each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016 the state treasurer shall determine the amount of money to be paid the counties and cities on such dates of such year, pursuant to K.S.A. 79-3425c, and amendments thereto, and make the following adjustments prior to the apportionment and payment specified in K.S.A. 79-3425c, and amendments thereto: (i) The following amounts shall be added to the apportionment and payment to be paid to the following counties: Barton county, $7,984.99; Butler county, $96,937.27; Douglas county, $128,245.99; Leavenworth county, $55,766.22; Shawnee county, $267,356.20; and (ii) the following amounts shall be deducted from the apportionment and payment to the following counties: Allen county, $3,839.12; Anderson county, $2,957.98; Atchison county, $4,345.79; Barber county, $1,813.76; Bourbon county, $2,945.98; Brown county, $1,590.14; Chase county, $1,364.54; Chautauqua county, $539.42; Cherokee county, $5,874.25; Cheyenne county, $1,317.84; Clark county, $757.32; Clay county, $968.54; Cloud county, $2,774.68; Coffey county, $2,894.76; Comanche county, $446.63; Cowley county, $2,116.31; Crawford county, $5,558.19; Decatur county, $1,615.15; Dickinson county, $6,024.00; Doniphan county, $2,626.24; Edwards county, $1,580.33; Elk county, $525.08; Ellis county, $8,774.46; Ellsworth county, $2,334.37; Finney county, $5,837.57; Ford county, $7,048.03; Franklin county, $6,898.28; Geary county, $976.57; Gove county, $1,058.76; Graham county, $1,409.48; Grant county, $1,936.03; Gray county, $2,355.25; Greeley county, $941.53; Greenwood county, $2,701.29; Hamilton county, $1,060.71; Harper county, $1,466.35; Harvey county, $7,863.46; Haskell county, $1,335.39; Hodgeman county, $959.20; Jackson county, $4,647.68; Jefferson county, $6,701.43; Jewell county, $1,211.66; Johnson county, $115,947.72; Kearny county, $1,160.82; Kingman county, $2,801.87; Kiowa county, $1,441.36; Labette county, $5,563.25; Lane county, $652.48; Lincoln county, $1,203.05; Linn county, $3,772.22; Logan county, $1,169.58; Lyon county, $8,236.73; Marion county, $3,681.52; Marshall county, $3,878.17; McPherson county, $8,652.66; Meade county, $1,048.56; Miami county, $10,701.45; Mitchell county, $3,466.79; Montgomery county, $8,377.29; Morris county, $1,955.91; Morton county, $1,200.61; Nemaha county, $3,774.74; Neosho county, $5,507.28; Ness county, $991.77; Norton county, $1,800.14; Osage county, $2,327.93; Osborne county, $1,882.73; Ottawa county, $2,063.91; Pawnee county, $1,802.09; Phillips county, $2,622.20; Pottawatomie county, $6,512.08; Pratt county, $2,187.16; Rawlins county, $1,119.60; Reno county,
$12,935.71; Republic county, $2,272.31; Rice county, $1,722.51; Riley county, $11,149.53; Rooks county, $2,252.51; Rush county, $1,235.76; Russell county, $577.59; Saline county, $14,049.86; Scott county, $1,340.37; Sedgwick county, $117,126.91; Seward county, $4,488.67; Sheridan county, $1,786.11; Sherman county, $194.37; Smith county, $1,993.99; Stafford county, $2,029.27; Stanton county, $991.97; Stevens county, $638.08; Sumner county, $5,908.68; Thomas county, $3,388.44; Trego county, $1,781.87; Wabaunsee county, $2,354.10; Walla Walla county, $994.33; Washington county, $2,554.75; Wichita county, $1,333.92; Wilson county, $3,659.10; Woodson county, $1,214.90; Wyandotte county, $16,818.00; (B) after determining and including such additions and deductions, the resulting apportionment and payment shall be paid by the state treasurer to the counties and cities prescribed therefor, notwithstanding the provisions of K.S.A. 79-3425c, and amendments thereto, or any other statute, each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016, with the requirement that the additional moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute, except that the state treasurer shall calculate the annual equalization payment to each county without considering the deductions or additions to quarterly distributions required by subsection (a)(3)(A); and (C) acceptance of the payments made pursuant to this subsection (a)(4) shall be deemed as payment in full and a release of any liability from the county to the state treasurer for payments from the special city and county highway fund for state fiscal years 2000 through 2009.

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

Sec. 188. On July 1, 2011, K.S.A. 2010 Supp. 79-34,156 is hereby amended to read as follows: 79-34,156. On April 1, 2007, the director of accounts and reports shall transfer $437,500 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on April 1, 2007, then the director of accounts and reports shall transfer on such date the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund. On July 1, 2007, and quarterly thereafter, the director of accounts and reports shall transfer $875,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund.
incentive fund, except: (a) That, during the fiscal year ending June 30, 2011, on July 1, 2010, October 1, 2010, and January 1, 2011, and April 1, 2011, the director of accounts and reports shall transfer $50,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, and (b) that, if sufficient moneys are not available in the state economic development initiatives fund for any such transfer during the fiscal year ending June 30, 2011, then the director of accounts and reports shall transfer the amount available in the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund on the date specified in the fiscal year ending June 30, 2012. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on July 1, 2012, and on the first day of any calendar quarter thereafter, in any such fiscal year, then the director of accounts and reports shall transfer on such date the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund; except that no moneys shall be transferred from the state general fund to the Kansas biodiesel fuel producer fund during the fiscal year ending June 30, 2011, or the fiscal year ending June 30, 2012.

Sec. 189. On July 1, 2011, K.S.A. 2010 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer $400,000 from the state general fund to the Kansas retail dealer incentive fund, except that (1) no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending June 30, 2010, or June 30, 2011, or June 30, 2012, or June 30, 2013, and (2) any transfers of moneys from the state general fund to the Kansas retail dealer incentive fund during the state fiscal year ending June 30, 2010, under this or any other statute that have been made prior to the effective date of this act shall be reversed by the director of accounts and reports and reversing entries shall be entered upon the accounting records of the state treasurer therefor. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed $1.5 million. If the unobligated balance of the fund exceeds $1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of $1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions
of K.S.A. 2010 Supp. 79-34,170 through 79-34,175, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 2010 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 190. On July 1, 2011, K.S.A. 2010 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer $6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that (1) such transfers during each fiscal year commencing after June 30, 2008, are subject to reduction under K.S.A. 75-6704, and amendments thereto, (2) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2009, shall not exceed $2,000,000, (3) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2010, shall not exceed $3,295,432, and (4) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2011, shall not exceed $1,348,245, and (5) no moneys shall be transferred from the state general fund to the state water plan fund during the fiscal years ending June 30, 2012, or June 30, 2013. On the effective date of this act, the director of accounts and reports shall transfer the amount in excess of $2,000,000 which was transferred from the state general fund to the state water plan fund prior to the effective date of this act during the fiscal year ending June 30, 2009, as certified by the director of the budget to the director of accounts and reports to the state general fund. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2010, and June 30, 2011, shall be considered revenue transfers from the state general fund.

Sec. 191. On July 1, 2011, K.S.A. 2010 Supp. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 2010 Supp. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base
year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection (d)(2) or (h), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. The state treasurer may make estimated payments to the bioscience authority more frequently based on estimates provided by the secretary of revenue and reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

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

(2) (A) For fiscal year 2012, the first $1,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the sales tax refund fund of the department of revenue to the following: the center of innovation for biomaterials in orthopaedic research—Wichita state university fund.

(B) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research—Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research—Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed $581.8 million.

(f) The division of post audit is hereby authorized to conduct a post
audit in accordance with the provisions of the state legislative post audit act K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

(h) During the fiscal years ending June 30, 2012, and June 30, 2013, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed $35,000,000 for each such fiscal year.

Sec. 192. On July 1, 2011, K.S.A. 2010 Supp. 49-514 is hereby amended to read as follows: 49-514. (a) (1) For individuals who have rented and resided in their homes in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months’ rent for comparable housing elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments and not in a single lump sum. In addition, such individuals may receive not more than $1,000 for moving expenses.

(2) For other individuals who are renting and residing in their homes in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (a)(1).

(b)(1) Subject to the provisions of subsection (g), for individuals who have owned and resided in their homes in the affected community continuously since March 13, 2006, the trust shall purchase their homes, including the land on which their homes are located, for an amount equal to the average cost of comparable housing elsewhere in the county where the affected community is located. In addition, such individuals may receive not more than $1,000 for moving expenses.

(2) Subject to the provisions of subsection (g), for other individuals who own and reside in their homes in the affected community, the trust, in its discretion, may purchase their homes, including the land on which their homes are located, for an amount equal to the price paid for the home plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (b)(1).

(c)(1) Subject to the provisions of subsection (h), for persons who have rented the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months’ rent for comparable premises elsewhere in the
county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments rather than in a single lump sum. In addition, such persons may receive not more than $2,000 for moving expenses.

(2) Subject to the provisions of subsection (h), for other persons who are renting the premises of and operating their businesses or nonprofit organizations in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (c)(1).

(d) (1) Subject to the provisions of subsections (g) and (h), for persons who have owned the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, the trust shall purchase the premises, including the land on which the premises are located, for an amount equal to the average cost of comparable commercial property elsewhere in the county where the affected community is located. In addition, such persons may receive not more than $2,000 for moving expenses.

(2) Subject to the provisions of subsections (g) and (h), for other persons who own the premises of and operate their businesses or nonprofit organizations in the affected community, the trust, in its discretion, may purchase the premises, including the land on which the premises are located, for an amount equal to the price the owner paid for the premises plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (d)(1).

(e) Subject to the provisions of subsections (g) and (h), for persons who own rental property in the affected community, the trust, in its discretion, may purchase the rental property for: (A) An amount equal to the average cost of comparable rental property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or (B) an amount equal to the price paid plus 5% per year, uncompounded, since the year of purchase, if the person has not owned such property continuously since March 13, 2006.

(f) Subject to the provisions of subsection (h), in addition to the purchase of property as otherwise authorized by this act, the trust, in its discretion, may purchase other real property within the affected community to prevent future construction on such property for an amount not exceeding:

(1) The average cost of comparable property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or

(2) the price the owner paid for such property plus 5% per year, uncompounded, since the year of purchase, if the person has not owned such property continuously since March 13, 2006.

(g) If a home or the premises of a business or nonprofit organization is a movable structure and the trust grants relocation assistance to the owner
pursuant to this section, the trust, in its discretion, may pay the cost of relocating such structure in lieu of other assistance authorized in this section if the cost of relocating the structure does not exceed the amount of such other assistance.

(h) A person shall not be eligible for assistance pursuant to this act with respect to property used for mining or for removal, storage or sale of mined materials or mine waste or byproducts.

(i) Payments made pursuant to the provisions of this act may be made to any eligible person but not more than one payment shall be made with regard to any single dwelling or commercial or nonprofit premises, except that, if the dwelling or premises are rented, one payment may be made to a renter and one payment may be made to an owner.

(j) Participation in the assistance program provided for by this act shall be voluntary. No person shall be required to relocate or sell property under the provisions of this act.

(k) Real property acquired by the trust pursuant to the relocation assistance provisions of this act may be utilized or disposed of in accordance with law, in the manner that the trust determines will best serve the state of Kansas and public interest.

(l) The use of moneys pursuant to this section shall not be subject to the uniform relocation assistance and real property acquisition policies act of 1970 (42 U.S.C. § 4601 et seq.).


Sec. 194. Severability. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 195. Appeals to exceed position limitations. (a) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2011, or ending June 30, 2012, made in chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature may be exceeded upon approval of the state finance council.

(b) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2013, made in this act or in any other appropriation act of the 2011
regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 196. Appeals to exceed expenditure limitations. (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children’s initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 197. Savings. (a) Any unencumbered balance as of June 30, 2011, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2012, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2012, in any special revenue fund, or account thereof, of any state agency named in section 79 of this act which is not otherwise specifically appropriated or limited for fiscal year 2013 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for fiscal year 2013 for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children’s initiatives fund, the state water plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund, or the correctional institutions building fund, or to any account of any of such funds.

Sec. 198. During the fiscal year ending June 30, 2012, all monies which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2011 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2012, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, “bond special revenue fund” means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 199. Federal grants. (a) During the fiscal year ending June 30,
2012, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2012, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) During the fiscal year ending June 30, 2013, each federal grant or other federal receipt which is received by a state agency named in section 79 of this act and which is not otherwise appropriated to that state agency for fiscal year 2013 by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for fiscal year 2013 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2013, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2013.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2012 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature to apply for and receive federal grants during fiscal year 2012, which federal grants are hereby authorized to be applied for and received by such state agencies: Provided, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 200. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2011 regular session of the legislature, and having an unencumbered balance as of June 30, 2011, in excess of $100 is hereby reappropriated for the fiscal year ending June 30, 2012, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any
account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.

Sec. 201. (a) Any Kansas educational building fund appropriation here-fore appropriated to any institution named in this or other appropriation act of the 2011 regular session of the legislature and having an unencumbered balance as of June 30, 2011, in excess of $100 is hereby reappropriated for the fiscal year ending June 30, 2012, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.

Sec. 202. (a) Any state institutions building fund appropriation here-tofore appropriated to any state agency named in this or other appropriation act of the 2011 regular session of the legislature and having an unencumbered balance as of June 30, 2011, in excess of $100 is hereby reappropriated for the fiscal year ending June 30, 2012, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.

Sec. 203. Any transfers of money during the fiscal year ending June 30, 2012, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2012.

Sec. 204. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 27, 2011.

† Section 26 was line-item vetoed.
† Section 108(e) was line-item vetoed.
† Section 108(f) was line-item vetoed.
† A portion of section 111(a) was line-item vetoed.
† Section 115(a) was line-item vetoed.
† A portion of section 143(a) was line-item vetoed.
† A portion of section 175 was line-item vetoed.
(See Messages from the Governor)
A Resolution disapproving Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission created by K.S.A. 74-5202 and the office of executive director of the commission under K.S.A. 74-5204 and transferring the powers, duties and functions to the state historical society.

Be it resolved by the Senate of the State of Kansas: That Executive Reorganization Order No. 39 is hereby disapproved in accordance with Section 6 of Article 1 of the Constitution of Kansas; and

Be it further resolved: That the secretary of state shall transmit a copy of this resolution to the governor; and

Be it further resolved: That the secretary of state shall cause this resolution to be published in the session laws to show permanently the foregoing disapproval of the Senate of Executive Reorganization Order No. 39.

Adopted by the Senate March 16, 2011.

HOUSE CONCURRENT RESOLUTIONS No. 5001

A Concurrent Resolution relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive communications the governor may have to present.

Adopted by the House January 10, 2011.

Adopted by the Senate January 10, 2011.
CHAPTER 121
HOUSE CONCURRENT RESOLUTION No. 5002

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 6:00 p.m. on January 12, 2011, for the purpose of hearing the message of the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Lieutenant Governor.

Adopted by the House January 10, 2011.
Adopted by the Senate January 10, 2011.

CHAPTER 122
SENATE CONCURRENT RESOLUTION No. 1602

A CONCURRENT RESOLUTION congratulating the State of Kansas on the Sesquicentennial of its Admission to the Union of the United States of America.

WHEREAS, On January 29, 1861, President James Buchanan signed the bill admitting Kansas to the Union as the 34th state of the United States of America; and

WHEREAS, While on his inaugural journey to Washington, D.C. to take the oath of office, President-elect Abraham Lincoln raised the 34-star flag over Independence Hall in Philadelphia on February 22, 1861, to commemorate Kansas’ entry into the Union; and

WHEREAS, On January 29, 2011, the great Sunflower State of Kansas will celebrate its 150th anniversary of statehood; and

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

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

WHEREAS, Kansas was at the center of the wagon trails heading west and benefited from the resulting diverse population that settled and prospered on our verdant plains; and
WHEREAS, Kansas has been at the forefront of history in striving for equality and greater rights for all peoples; and

WHEREAS, Kansas ranchers and farmers established an industry that continues to sustain the nation; and

WHEREAS, Kansas’ innovative and entrepreneurial spirit has made the state a leader in aviation, education, medicine, the biosciences, energy and alternative energies; and

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

WHEREAS, Many notable Kansans have placed the state in the national spotlight, including George Washington Carver, Charles Curtis, Robert J. Dole, Amelia Earhart, Dwight D. Eisenhower, Langston Hughes, Gordon Parks and William Allen White, to name but a very few; and

WHEREAS, The people of the Sunflower State are greatly admired for their resilience, character and many accomplishments throughout the past one hundred fifty years, and congratulations and best wishes are extended to them: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the citizenry of the state of Kansas be congratulated and the state’s sesquicentennial celebrated for the progress, prosperity and fulfillment of their loftiest aspirations in the century ahead; and

Be it further resolved: That we recognize the historic impact of the sesquicentennial celebration and the significance of our great state to the citizens of Kansas and the United States of America; and

Be it further resolved: That the Secretary of State be directed to send one enrolled copy of this resolution to the Kansas Historical Society, one enrolled copy to Senate President Morris and one enrolled copy to Speaker O’Neal of the Kansas House of Representatives.

Adopted by the House January 28, 2011.
Adopted by the Senate January 28, 2011.
CHAPTER 123
HOUSE CONCURRENT RESOLUTION No. 5003

A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2011-2012 biennium.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the following joint rules shall be the joint rules of the Senate and House of Representatives for the 2011-2012 biennium.

JOINTRULESOFTHESENATEANDHOUSEOFREPRESENTATIVES
2011-2012

Joint rule 1. Joint rules; application and date of expiration; adoption, amendment, suspension and revocation. (a) Joint rules; expiration, adoption, amendment, suspension and revocation; vote required. Joint rules are adopted under the authority of section 8 of article 2 of the Constitution of the State of Kansas and shall govern matters made subject thereto except when otherwise specifically provided by joint rule. Joint rules shall expire at the conclusion of the terms of representatives. Joint rules shall be adopted, amended, suspended and revoked by concurrent resolution of the two houses of the legislature. Concurrent resolutions adopting joint rules shall receive the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house.

(b) Amendment, suspension or revocation of joint rules; previous notice; vote required. After one day’s previous notice, joint rules may be amended, suspended or revoked by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. Upon the filing of such notice in either house, a message shall be sent to the other house advising of the filing of such notice and the reading of the message shall constitute notice to the members of such house. If such previous notice is not given, the affirmative vote of 2/3 of the members then elected (or appointed) and qualified in each house shall be required for the amendment, suspension or revocation of a joint rule.

(c) Amendment, suspension or revocation of joint rules at commencement of legislative session; vote required; conditions. Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions: (1) The concurrent resolution is sponsored by the speaker or the president, and (2) either (a) a copy thereof is mailed to each member of the legislature by deposit in the United States mails not later than 11:00 p.m. on the Thursday
preceding the Monday on which the legislative session is to commence or (b) in lieu of mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

**Joint rule 2. Joint sessions.** (a) Joint session called by concurrent resolution; vote required; time, place and subject matter. A joint session of the senate and house of representatives may be called by concurrent resolution adopted by the affirmative vote of not less than a majority of the members elected (or appointed) and qualified in each house of the legislature or as may otherwise be prescribed by law. Any such resolution shall fix the time and place of the joint session, and the subject matter to be considered at the joint session. Joint sessions shall consider only such matters as are prescribed by law or by the concurrent resolution calling such joint session.

(b) Presiding officer at joint sessions; record of joint session; rules applicable. The speaker of the house of representatives shall preside at all joint sessions of the senate and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.

(c) Votes in joint session; taking; requirements. All votes in a joint session shall be taken by yeas and nays, and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house. Each member of the senate and the house of representatives present shall be required to vote on all matters considered in joint session, unless excused by a vote of a majority of the members of both houses present.

**Joint rule 3. Conference committee procedure.** (a) Action by house of origin of bill or concurrent resolution amended by other house. When a bill or concurrent resolution is returned to the house of origin with amendments by the other house, the house of origin may: (1) Concur in such amendments; (2) refuse to concur in such amendments; or (3) refuse to concur in such amendments and request a conference on the bill or concurrent resolution.

(b) Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur. The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or
concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby, but if the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

(c) Motion to nonconcur; when considered final action; effect of adoption of motion. A vote in the house of origin of any bill or concurrent resolution on a motion to nonconcur or to refuse to concur in amendments to such bill or concurrent resolution by the other house which is not coupled with a request for the appointment of a conference committee shall be considered action on final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal, and the bill or concurrent resolution shall be deemed killed on the adoption thereof.

(d) House of origin refusal to concur or nonconcur; request for conference; procedure. When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.

(e) Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee. Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which
the bill or concurrent resolution in its original form was introduced. The chairperson of a conference committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

(f) Conference committee reports; subject matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business. Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. A conference committee report shall not be subject to amendment. The original signed conference committee report shall be submitted to and acted upon first by the house other than the house of origin of the bill or concurrent resolution. Except when a conference committee report is an agree to disagree coupled with a request that a new conference committee be appointed or is a recommendation to accede to or recede from all amendments of the second house electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk’s or secretary’s desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule. The affirmative vote of 2/3 of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

(g) Signatures required on conference committee reports. All initial conference committee reports other than an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by all of the conferees. All initial conference committee reports which are an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by a majority of the conferees appointed in each house. If a conference committee report which is an agreement to
disagree coupled with a request that a new conference committee be appointed is not adopted, a subsequent conference committee report shall be signed by all conferees unless a subsequent conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is adopted, in which case a conference committee report subsequent to the adoption of such report shall be signed by a majority of the conferees appointed in each house. All other conference committee reports shall be signed by a majority of the conferees appointed in each house.

(h) Vote to adopt conference committee report final action; effect of failure of motion to adopt conference committee report. The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed. If the motion on a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and remains in conference.

(i) Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee. If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon the bill or concurrent resolution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.

(j) Bills or concurrent resolutions under consideration by conference committees and reports thereof; carryover from odd-numbered to even-numbered year. Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

Joint rule 4. Deadlines for introduction and consideration of bills. The senate and house of representatives shall observe the following schedule of deadlines in making requests for drafting and in the introduction and consideration of bills.
(a) **Bill request deadline for individual members.** Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on January 31, 2011, during the 2011 regular session and on January 30, 2012, during the 2012 regular session.

(b) **Bill introduction deadline for individual members.** Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 9, 2011, during the 2011 regular session and on February 8, 2012, during the 2012 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) **Bill request deadline for certain committees.** Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 7, 2011, during the 2011 regular session and on February 6, 2012, during the 2012 regular session.

(d) **Bill introduction deadline for certain committees.** Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 11, 2011, during the 2011 regular session and on February 10, 2012, during the 2012 regular session.

(e) **House of origin bill consideration deadline.** No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 25, 2011, during the 2011 regular session and on February 24, 2012, during the 2012 regular session.

(f) **Second house bill consideration deadline.** No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be con-
sidered by either house, not the house of origin of such bill, after the hour of adjournment on March 23, 2011, during the 2011 regular session and March 21, 2012, during the 2012 regular session.

(g) Exceptions to limitation of (d), (e) and (f); procedure. Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) Deadline which falls on day neither house in session; effect. In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) Bills introduced in odd-numbered years after deadlines; effect. Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

(j) Modification of schedule of deadlines for introduction and consideration of bills; procedure. In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) Bill consideration deadline; exceptions. No bills shall be considered by the Legislature after April 2, 2011, during the 2011 regular session and after March 31, 2012, during the 2012 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702 and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the House of Representatives, any standing committee of the Senate, the Legislative Coordinating Council, any joint committee of both houses of the legislature, any special or select committee of the House of Representatives or the Senate, the House of Representatives in session, the Senate in session or a joint session of the House of Representatives and the Senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the
security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas.

Adopted by the House February 9, 2011.
Adopted by the Senate February 3, 2011.

CHAPTER 124

HOUSE CONCURRENT RESOLUTION No. 5014

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 5:00 p.m. on February 15, 2011, for the purpose of hearing a message from the Supreme Court on the judicial branch of government.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Supreme Court Justices.

Adopted by the House February 14, 2011.
Adopted by the Senate February 15, 2011.

CHAPTER 125

SENATE CONCURRENT RESOLUTION No. 1605

A CONCURRENT RESOLUTION urging the United States Congress to fund the construction of the National Bio and Agro-defense Facility (NBAF) and encouraging the Department of Homeland Security to advance the sale of Plum Island Animal Disease Center and direct the proceeds of the sale to be used to help fund the NBAF.

WHEREAS, When it comes to the critically urgent work of protecting America’s food supply, the NBAF offers the only long-term solution to secure the nation’s food supply and agricultural economy through integrated biosafety research, testing and evaluation of agricultural and public health threats; and

WHEREAS, Since 2004, the Department of Homeland Security (DHS) has reported on the defined capability gap in integrated biosafety research, development, testing and evaluation of agricultural and public health threats posed by foreign animal, emerging and zoonotic diseases in large livestock; and
WHEREAS, The NBAF will eliminate the capability gap outlined in 2004 by providing a domestic, modern, integrated high-containment facility containing BioSafety Level (BSL) 2/3/3Ag/4 laboratories for up to 350 scientists and support staff to safely and effectively address the accidental or intentional introduction of animal diseases into the United States; and

WHEREAS, In 2006, DHS implemented an exhaustive three-year selection process that, based on the merits of the site, resulted in the selection of Kansas as the best home for a new research facility to protect the American food supply and agriculture economy. Throughout the review, Kansas was noted for its internationally recognized animal health research expertise, state-of-the-art research and industry infrastructure, and deep agricultural heritage all of which will significantly enhance research efforts; and

WHEREAS, In January 2009, the Department of Homeland Security sited the NBAF in Manhattan, Kansas on the campus of Kansas State University based upon the unanimous recommendation of a panel of biocontainment experts; and

WHEREAS, In its Record of Decision published in the Federal Register on January 16, 2009, the Department of Homeland Security noted that, “based on the numerous strengths that were evident when evaluating the Manhattan Campus Site against the evaluation criteria, DHS found that this location best met the purpose and need to site, construct and operate the NBAF. Specifically, the site location near KSU provides site proximity to existing research capabilities that can be linked to NBAF mission requirements. Additionally, the site’s proximity to the KSU College of Veterinary Medicine, KSU College of Agriculture and the Biosecurity Research Institute is relevant to the NBAF mission and a significant strength.”; and

WHEREAS, The bipartisan Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism’s October 2009 progress report called the Clock is Ticking defined the critical importance of the NBAF by concluding that bioterrorism is the most imminent threat to our homeland security and called for investment to limit the consequences of a bioweapons attack and improve our nation’s capabilities to recognize, respond and recover from such an attack; and

WHEREAS, The State of Kansas recognizes this threat and has committed to partner with the Department of Homeland Security and the United States Department of Agriculture to initiate NBAF related research during the construction of the NBAF to accelerate its critical mission of protecting our nation’s agriculture economy; and

WHEREAS, Once construction is completed, the NBAF will serve as the nation’s premier research facility for developing vaccines and countermeasures for diseases that threaten livestock and other animals, which agricultural and bioterrorism experts consider an urgent national priority; and
WHEREAS, President Obama’s FY 2012 budget requests $150 million to initiate the construction of the NBAF; and

WHEREAS, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) requires that, having chosen a site other than Plum Island, New York, the Department of Homeland Security Secretary is to sell Plum Island through the General Services Administration. Proceeds of the sale shall be available for site acquisition, construction and costs related to the construction of the NBAF: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we recognize the vital role the National Bio and Agro-defense Facility will play in the future to securing our country from natural and deliberate threats to our food supply, agricultural economy and public health posed by dangerous foreign animal diseases and that we urge the federal government to act aggressively in addressing the threats of bioterrorism; and

Be it further resolved: The construction and operations of the National Bio and Agro-defense Facility must be accelerated to eliminate the capability gap outlined in 2004 by DHS, the 2009 Clock is Ticking report; and provide the research, testing and evaluation necessary to secure the nation’s food supply and agricultural economy; and

Be it further resolved: That we urge the United States Congress to support President Obama’s budget request of $150 million to ensure the timely construction and operations of the National Bio and Agro-defense Facility and encourage the Department of Homeland Security and the General Services Administration to move quickly to sell Plum Island and to direct the proceeds to be used to help fund the NBAF; and

Be it further resolved: That copies of this resolution be provided to President Obama and Vice President Biden, Secretary Napolitano of the U.S. Department of Homeland Security, Secretary Vilsack of the U.S. Department of Agriculture, Secretary Sebelius of the U.S. Department of Health and Human Services, the U.S. House of Representatives and U.S. Senate homeland security appropriations subcommittees, the Kansas congressional delegation and Governor Sam Brownback.

Adopted by the House February 25, 2011.

Adopted by the Senate February 24, 2011.
Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on February 25, 2011, and shall reconvene on March 2, 2011, pursuant to adjournment of the daily session convened on February 25, 2011; and

That the legislature shall adjourn at the close of business of the daily session convened on March 23, 2011, and shall reconvene on March 28, 2011, pursuant to adjournment of the daily session convened on March 23, 2011; and

That the house of representatives shall adjourn at the close of business of the daily session convened on April 1, 2011, or at the close of business of the daily session convened on April 2, 2011, and the senate shall adjourn at the close of business of the daily session convened on April 1, 2011, or at the close of business of the daily session convened on April 2, 2011, and both houses of the legislature shall reconvene on April 27, 2011, at 10:00 a.m.; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments
thereto, shall receive compensation and travel expenses or allowances as
provided by K.S.A. 75-3212, and amendments thereto.

Adopted by the House February 25, 2011.
Adopted by the Senate February 25, 2011.

CHAPTER 127
HOUSE CONCURRENT RESOLUTION No. 5009

A CONCURRENT RESOLUTION urging the Environmental Protection Agency to develop regulations and standards that minimize adverse impacts and continue to let state permit writers
to determine the best available technology for site specific ecosystems.

WHEREAS, Section 316(b) of the Clean Water Act (CWA) requires that
cooling water intake structures (CWIS) reflect the best technology available
for minimizing adverse environmental impact; and

WHEREAS, The United States Environmental Protection Agency (EPA)
has executed a settlement agreement to issue new rules under section 316(b)
of the CWA to regulate CWIS proposed by March, 2011 and finalized by
July, 2012; and

WHEREAS, This rule is anticipated to cover existing large steam-electric
generators including nuclear, coal-based, and natural-gas based power
plants as well as some existing small generators and manufacturers that
have CWIS; and

WHEREAS, The EPA is considering mandating the use of closed-cycle
cooling systems or cooling towers at most power plants; and

WHEREAS, The state of Kansas has applied CWA section 316(b) on a
site-by-site basis examining the impacts of CWIS in relation to the specific
biological community. This site-specific approach remains the most sci-
entifically valid and cost-effective method of regulating intake impacts; and

WHEREAS, The EPA can choose to continue to allow states to evaluate
power plants on a case-by-case basis to determine the best available tech-
ology for that site or require using cooling towers uniformly at each site
as the best technology available to prevent fish impingement and entrain-
ment; and

WHEREAS, The state of Kansas believes that the site-specific cost-ben-
efit approach used today to regulate Kansas power plant CWIS is the most
scientifically valid and cost effective approach to CWA section 316(b) rule-
making; and

WHEREAS, A one-size-fits-all rule would have a negative effect on
energy prices, reliability and the environment; and
WHEREAS, The result could precipitate premature closures of power plants and extended plant outages negatively impacting capacity margins for reliability requirements; and

WHEREAS, Consumers will face higher electricity prices; and

WHEREAS, Environmental impacts include increased emissions of greenhouse gases and particulate matter, increased evaporative water losses and increased solid waste production; and

WHEREAS, Cooling towers cause increased evaporative water losses impacting Kansas parks, lakes, rivers and watersheds in a state where water is a very precious resource; and

WHEREAS, No two plants or sites are alike, so state permitting authorities must have the flexibility to take into consideration the unique needs of the affected water body; and

WHEREAS, A widespread requirement to retrofit cooling towers on the existing fleet of once-through cooled power plants would affect approximately 40% of the existing United States electric generation capacity, including almost 55% of the nation’s nuclear capacity and more than 25% of the nation’s fossil capacity; and

WHEREAS, The state of Kansas permit writers need the ability to reject cooling towers and the flexibility to recommend other technologies when cooling towers cause more adverse environmental impacts than they prevent; and

WHEREAS, A variety of cooling water intake technologies need to be considered due to the wide variety in the types of power plants, their locations and the aquatic communities they affect: Now, therefore,

Be it resolved by the House or Representatives of the State of Kansas, the Senate concurring therein: That we urge the EPA to continue to work to develop regulations and standards under section 316(b) that minimize adverse impacts to the aquatic environment using site specific considerations and cost-benefit analysis; and

Be it further resolved: That the EPA will continue to let state permit writers use a meaningful site specific approach that focuses on determining the best available technology for that site specific ecosystem where the benefits of the technology outweigh the negative impacts.

Adopted by the House February 24, 2011.
Adopted by the Senate March 17, 2011.
WHEREAS, The City of Lecompton was recognized as a Territorial Capital of Kansas from 1855 to 1861; and

WHEREAS, Presidents Pierce and Buchanan appointed a total of nine Kansas Territorial Governors who subsequently resided in Lecompton; and

WHEREAS, There was a free state victory in the territorial election in October of 1857; and

WHEREAS, The Lecompton Constitution split the National Democrat Party in 1858, which led to four candidates for President in 1860 with Abraham Lincoln as the sole Republican candidate. He won with only 39% of the popular vote; and

WHEREAS, The name Lecompton was mentioned at least 55 times during the Lincoln-Douglas Presidential debates; and

WHEREAS, The Kansas-Nebraska Act proposed the rejection of the Lecompton Constitution by Congress, and a majority of Kansans established that Kansas would not be a slave state; and

WHEREAS, The establishment of Kansas as a free state established a tradition of Kansas supporting equal rights for all in the United States and around the world: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas:
That we recognize and honor Lecompton as a Territorial Capital of Kansas; and

Be it further resolved: That the people of Kansas and its elected leaders celebrate 150 years of Kansans supporting equal rights, political freedom, and religious freedom for all people.

Adopted by the House May 3, 2011.
Adopted by the Senate May 4, 2011.
Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on May 12, 2011, until the hour of 10:00 a.m. on June 1, 2011, at which time the legislature shall reconvene and shall continue in session until sine die adjournment at the close of business on June 1, 2011; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the President of the Senate, the Speaker of the House of Representatives or the Legislative Coordinating Council during the period of adjournment for which members are not authorized per diem compensation and subsistence allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

Adopted by the House May 12, 2011.
Adopted by the Senate May 12, 2011.
CHAPTER 130
Executive Reorganization Order No. 34

Section 1. There is hereby established, within the Kansas department of corrections, the prisoner review board. The prisoner review board shall be administered under the supervision of the secretary of corrections. The prisoner review board shall consist of three members appointed by the secretary of corrections and all members shall serve at the pleasure of the secretary. The members of the prisoner review board shall be existing employees of the department of corrections.

Sec. 2. (a) The Kansas parole board established by K.S.A. 22-3707 is hereby abolished. The prisoner review board shall be a continuation of the Kansas parole board.
(b) All of the powers, duties and functions of the existing Kansas parole board are hereby transferred to and imposed upon the prisoner review board.

Sec. 3. (a) The prisoner review board shall be the successor in every way to the powers, duties and functions of the Kansas parole board in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the prisoner review board shall be deemed to have the same force and effect as if performed by the Kansas parole board in which such powers, duties and functions were vested prior to the effective date of this order.
(b) Whenever the Kansas parole board, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the prisoner review board.
(c) All rules and regulations, orders and directives of the Kansas parole board that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of corrections until revised, amended, revoked or nullified pursuant to law.

Sec. 4. The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas parole board are hereby transferred within the state treasury to the Kansas department of corrections and shall be used only for the purpose for which the appropriation was originally made.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
(b) The department of corrections shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions of the Kansas parole board transferred to the prisoner review board. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this order, or by or against any officer of the state in such officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

Sam Brownback, Governor of Kansas

Approved January 21, 2011

CHAPTER 131

Executive Reorganization Order No. 35

Section 1. The commission on disability concerns is hereby transferred from the department of commerce to the office of governor and shall be a part thereof. The commission shall be advisory to the governor. The governor shall appoint an executive director of the commission. The office of governor shall provide office space and such clerical and other personnel as may be necessary for the efficient performance of the commission.

Sec. 2. Except as otherwise provided by this order, all powers, duties, and functions of the commission on disability concerns under K.S.A. 74-6701 et seq. and amendments thereto are hereby transferred to and imposed upon the commission.

Sec. 3. (a) The commission shall be the successor in every way to the powers, duties, and functions of the commission in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the commission shall be deemed to have the same force and effect as if performed by the commission in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) Whenever the commission or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the office of governor, such reference or designation shall be deemed to apply to the commission attached to the office of governor.

(c) All rules and regulations, orders, and directives of the commission which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the commission until revised, amended, revoked, or nullified pursuant to law. Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the office of governor and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the commission under this order shall be assumed and paid by the commission attached to the office of governor.
Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The commission attached to the office of governor shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the commission attached to the office of governor. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) All officers and employees of the commission who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, as well as all officers and employees of the commission who are determined by the executive director of the commission attached to the office of governor to be engaged in providing administrative, technical, or other support services that are essential to the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the commission attached to the office of governor. All classified employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the commission transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the commission prior to the date of transfer.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

Sam Brownback, Governor of Kansas

Approved February 3, 2011
CHAPTER 132

Executive Reorganization Order No. 36

Section 1. (a) The Kansas department of wildlife and parks as established by K.S.A. 32-801 et seq. is hereby renamed the Kansas department of wildlife, parks and tourism and the secretary of wildlife and parks is hereby renamed the secretary of wildlife, parks and tourism.

(b) Except as otherwise provided by this order, the Kansas department of wildlife, parks and tourism and the secretary of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the Kansas department of wildlife and parks and the secretary of wildlife and parks in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of wildlife, parks and tourism or the secretary of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the Kansas department of wildlife and parks or the secretary of wildlife and parks in which such powers, duties and functions were vested prior to the effective date of this order.

(c) Whenever the Kansas department of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas department of wildlife and parks, such reference or designation shall be deemed to apply to the Kansas department of wildlife, parks and tourism.

(d) Whenever the secretary of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the secretary of wildlife and parks, such reference or designation shall be deemed to apply to the secretary of wildlife, parks and tourism.

(e) All rules and regulations, orders and directives of the secretary of wildlife and parks that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

Sec. 2. (a) The secretary of wildlife, parks and tourism shall appoint an assistant secretary for wildlife, fisheries and boating and an assistant secretary for parks and tourism. The assistant secretaries shall serve at the pleasure of the secretary of wildlife, parks and tourism. The assistant secretaries shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretaries shall act for and exercise the powers of the secretary of wildlife, parks and tourism to the extent authority to do so is delegated by the secretary of wildlife, parks and tourism.

(b) The position of assistant secretary for operations as established by K.S.A. 32802 is hereby abolished.

Sec. 3. (a) There is hereby established, within the Kansas department of wildlife, parks and tourism, the division of tourism. The head of the division of tourism shall be the director of tourism, who shall be appointed by and serve at the pleasure of the secretary of wildlife, parks and tourism. The director of tourism shall be in the un-
classified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism.

(b) (1) The director of tourism shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the director, to carry out the powers and duties of the division of tourism.

(2) All officers and employees of the division of tourism shall act for and exercise the powers of the director of tourism to the extent that authority to do so is delegated by the director. Subject to the provisions of this order, the director of tourism may organize the division of tourism in the manner the director of tourism deems most efficient.

Sec. 4. (a) The division of travel and tourism development of the department of commerce and the office of the director of travel and tourism development of the department of commerce that were created by K.S.A. 74-5032, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development under K.S.A. 74-5032 and 74-5032a, and amendments thereto, are hereby transferred to and imposed upon the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism.

Sec. 5. (a) Except as otherwise provided by this order, the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 4 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Except as otherwise provided by this order, whenever the division of travel and tourism development of the department of commerce, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the division of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the division of tourism of the Kansas department of wildlife, parks and tourism.

(c) Except as otherwise provided by this order, whenever the director of travel and tourism development of the department of commerce, or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power or duty of the director of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the director of tourism of the Kansas department of wildlife, parks and tourism.

(d) All rules and regulations, orders and directives of the secretary of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the director of travel and tourism development of the department
of commerce, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law. All orders and directives of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be orders and directives of the division of tourism or the director of tourism of the Kansas department of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

Sec. 6. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of wildlife, parks and tourism and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the division of tourism of the Kansas department of wildlife, parks and tourism under this order shall be assumed and paid by the Kansas department of wildlife, parks and tourism.

Sec. 7. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The Kansas department of wildlife, parks and tourism shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 8. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 9. (a) All officers and employees of the department of commerce who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the department of commerce who are determined by the secretary of wildlife, parks and tourism to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. All classified officers and employees so transferred shall retain their status as classified employees.
(b) Officers and employees of the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the department of commerce prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the department of commerce to the division of tourism of the Kansas department of wildlife, parks and tourism established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 10. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

Sam Brownback, Governor of Kansas

Approved February 3, 2011

CHAPTER 133

Executive Reorganization Order No. 37

Sec. 1. Kansas, Inc., its board, the office of chief executive officer, and the president of Kansas, Inc., along with their powers, duties, and functions, as created pursuant to K.S.A. 74-8001 et seq., and amendments thereto, are hereby abolished.

Sec. 2. (a) The secretary of administration, for the sole purpose of efficiently wrapping up and concluding the affairs of Kansas, Inc. and satisfying any outstanding liabilities or commitments of Kansas, Inc., shall be the successor in every way to the powers, duties, and functions of the Kansas, Inc., and its chief executive officer and president, hereinafter referred to as president, in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such abolished powers, duties, and functions by or under the authority of the secretary of administration shall be performed by the existing employees of the department of administration and shall be deemed to have the same force and effect as if performed by Kansas, Inc., or its president in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) In furtherance of the sole purpose set forth in Section 2(a) above, whenever Kansas, Inc., or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document, such reference or designation shall be deemed to apply to the secretary of administration.

(c) In furtherance of the sole purpose set forth in Section 2(a) above, whenever the president of Kansas Inc., or words of like effect are referred to or designated by a
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statute, contract, memorandum of agreement or other document, such reference or designation shall be deemed to apply to the secretary of administration.

(d) In furtherance of the sole purpose set forth in Section 2(a) above, all rules and regulations, orders, and directives of Kansas, Inc., or its president which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the secretary of administration, until revised, amended, revoked or nullified pursuant to law.

(e) In furtherance of the sole purpose set forth in Section 2(a) above, all orders and directives of the Kansas, Inc., or its president in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the secretary of administration, until revised, amended or nullified pursuant to law.

Sec. 3. (a) The secretary of administration shall succeed to whatever right, title or interest that Kansas, Inc., has acquired in any real property in this state, and the secretary of administration shall hold the same for and in the name of the state of Kansas.

(b) Whenever any statute, contract, deed or other document concerns the power or authority of Kansas, Inc., or its president to acquire, hold or dispose of real property or any interest therein, the secretary of administration shall succeed to such power or authority.

Sec. 4. The secretary of administration shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of Kansas Inc., or its president.

Sec. 5. (a) The balances of all funds or accounts thereof appropriated or reappropriated for Kansas, Inc., relating to the powers, duties, and functions abolished by this order are hereby transferred within the state treasury to the department of administration and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are employees of Kansas, Inc., during the period commencing on the first day of the first payroll period chargeable to fiscal year 2012 and ending in on June 30, 2011, shall be assumed and paid by the department of administration.

Sec. 6. When any conflict arises as to the disposition of any records, property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 7. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of
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article 1 of the Constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

Sam Brownback, Governor of Kansas

Approved February 4, 2011

CHAPTER 134

Executive Reorganization Order No. 38

Section 1. (a) There is hereby established, within the department of health and environment, the division of health care finance. The head of the division shall be director of health care finance, who shall be appointed by and serve at the pleasure of the secretary of health and environment. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of health and environment and approved by the governor.

(b)(1) The secretary of health and environment shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the secretary and director, to carry out the powers and duties of the division of health care finance.

(2) All officers and employees of the division of health care finance shall act for and exercise the powers of the director of health care finance to the extent that authority to do so is delegated by the secretary and director. Subject to the provisions of this order, the secretary and director may organize the division of health care finance in the manner deemed most efficient.

Sec. 2. (a) The Kansas health policy authority created by K.S.A. 2010 Supp. 757401, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the Kansas health policy authority under K.S.A. 2010 Supp. 75-7401 et seq., and amendments thereto, or any other statute, are hereby transferred to and imposed upon the department of health and environment and its division of health care finance and the secretary and the director of health care finance.

(c) Except as otherwise provided by this order, all powers, duties, and functions of any state agency, department, board, commission or council, providing services and creating systems in order to comply with the provisions of the patient protection and affordable care act, Public Law 111-148, 124 Stat. 119 (2010), and the health care and education reconciliation act of 2010, Public Law 111-152, 124 Stat. 1029 (2010), are hereby transferred to and imposed upon the department of health and environment and its division of health care finance and the secretary and the director of health care finance or their designees.

Sec. 3. (a) The department of health and environment and its division of health care finance shall be the successor in every way to the powers, duties and functions of the Kansas health policy authority in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the department of health and environment and its division of health care finance or the secretary or the director of health care finance shall be deemed to have the same force and effect as if performed by the Kansas health policy
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authority in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) The department of health and environment and its division of health care finance or designees appointed by the secretary or the director of health care finance shall be the successor in every way to the powers, duties, and functions of any state agency, department, board, commission or council, providing services and creating systems in order to comply with the provisions of the patient protection and affordable care act, Public Law 111-148, and the health care and education reconciliation act of 2010, Public Law 111-152, and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department of health and environment and its division of health care finance shall be deemed to have the same force and effect as if performed by any state agency, department, board, commission or council in which such powers, duties, and functions were vested prior to the effective date of this order.

(c) Whenever the Kansas health policy authority or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of health and environment and its division of health care finance, such reference or designation shall be deemed to apply to the department of health and environment and its division of health care finance.

(d) All rules and regulations, orders and directives of the Kansas health policy authority which relate to the functions transferred by this order, and which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas health policy authority or any state agency, department, board, commission or council, relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the department of health and environment for the division of health care finance and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the department of health and environment and its division of health care finance under this order shall be assumed and paid by the division of health care finance of the department of health and environment.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The division of health care finance in the department of health and environment shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of health care finance in the department of health and environment. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such
Executive Reorganization Orders

officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) All officers and employees of the Kansas health policy authority who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas health policy authority who are determined by the director of health care finance of the department of health and environment to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of health care finance of the department of health and environment. All classified officers and employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the Kansas health policy authority transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas health policy authority prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the Kansas health policy authority abolished by this order to the division of health care finance of the department of health and environment established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

Sam Brownback, Governor of Kansas

Approved February 4, 2011

CHAPTER 135

Executive Reorganization Order No. 40

Section 1. (a) There is hereby established, within and as a part of the Kansas department of agriculture, the agriculture marketing and promotions program.

(b) (1) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.
(2) All employees shall act for and exercise the powers of the secretary of agriculture to the extent that authority to do so is delegated by the secretary of agriculture.

Sec. 2. (a) The agriculture products development division within the department of commerce created by K.S.A. 74-50,156, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the agriculture products development division within the department of commerce created by K.S.A. 74-50,156, and amendments thereto, are hereby transferred to and imposed upon the agriculture marketing and promotions program within the Kansas department of agriculture created herein.

Sec. 3. (a) The agriculture marketing and promotions program within the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the agriculture products development division within the department of commerce which were in effect prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the agriculture marketing and promotions program within the Kansas department of agriculture shall be deemed to have the same force and effect as if performed by the agriculture products development division within the department of commerce in which such powers, duties and functions were in effect prior to the effective date of this order.

(b) Whenever the agriculture products development division or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the agriculture products marketing and promotions program such reference or designation shall be deemed to apply to the program or the secretary of agriculture.

(c) All rules and regulations, orders and directives of the agriculture products development division within the department of commerce which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the agriculture marketing and promotions program within the Kansas department of agriculture transferred herein until revised, amended, revoked or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the agriculture products development division within the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the agriculture marketing and promotions program within the Kansas department of agriculture transferred herein and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees, grant funds, and loan repayment funds dedicated to the agriculture products development division within the department of commerce prior to the effective date of this order shall be transferred to the agriculture marketing and promotions program within the department of agriculture.

(c) Liability for all accrued compensation or salaries of officers and employees who are transferred from the agriculture products development division within the department of commerce under this order shall be assumed and paid by the agriculture marketing and promotions program within the Kansas department of agriculture.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any
abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The agriculture marketing and promotions program within the Kansas department of agriculture shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) The secretary of agriculture shall determine such employees as are necessary to enable the secretary to carry out the duties of the agriculture marketing and promotions program. All officers and employees of the agriculture products development division within the department of commerce who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, who are determined by the secretary of agriculture to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the agriculture marketing and promotions program within the Kansas department of agriculture. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the agriculture products development division within the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the agriculture products development division of the department of commerce prior to the date of transfer.

Sec. 8. (a) The division of animal health is hereby established within the Kansas department of agriculture. The division of animal health shall be a continuation of the Kansas animal health department and the animal health commissioner shall be a continuation of the livestock commissioner of the Kansas animal health department. The division shall be administered under the supervision of the secretary of agriculture, by the animal health commissioner, who shall be the chief administrative officer of the division. On the effective date of this order, the Secretary of Agriculture shall appoint the animal health commissioner. Thereafter, upon a vacancy in the office of animal health commissioner, the Kansas animal health board shall submit three nom-
lations to the secretary of agriculture for the office of animal health commissioner, and the secretary of agriculture shall choose one of the three nominations to appoint as the animal health commissioner. The animal health commissioner shall serve at the pleasure of the secretary and the animal health board. The animal health commissioner shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

(b) All of the powers, duties and functions of the existing Kansas animal health department and the existing livestock commissioner of the Kansas animal health department are hereby transferred to and imposed upon the animal health division within the Kansas department of agriculture and the animal health commissioner, respectively.

(c) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.

Sec. 9. The Kansas animal health department and the office of livestock commissioner as established by K.S.A. 75-1901, and amendments thereto, are hereby abolished.

Sec. 10. (a) The animal health commissioner of the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Whenever the Kansas animal health department or the livestock commissioner of the Kansas animal health department, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the animal health division of the Kansas department of agriculture or the animal health commissioner under the secretary of agriculture.

(c) All rules and regulations, orders and directives of the livestock commissioner of the Kansas animal health department that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the animal health division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law, by the secretary of agriculture.

(d) Before any proposed rules and regulations of the animal health commissioner of the division of animal health of the department of agriculture are submitted to the secretary of administration or the attorney general pursuant to K.S.A. 77-420, and amendments thereto:

(1) The animal health commissioner shall submit such rules and regulations to the animal health board; and

(2) the animal health board shall review and make recommendations to the animal health commissioner and the secretary of agriculture regarding such proposed rules and regulations.

Sec. 11. (a) The Kansas animal health board, created by K.S.A. 74-4001, and amend-
ments thereto, is hereby continued in existence within the animal health division of
the department of agriculture with respect to powers, duties and functions of the
Kansas animal health department that are transferred under this order. Persons who
are members of the Kansas animal health board on the effective date of this order
shall continue to hold such offices under the conditions and limitations provided
under K.S.A. 74-4001, and amendments thereto.

(b) The Kansas pet animal advisory board, created by K.S.A. 47-1725, and amend-
ments thereto, is hereby continued in existence within the animal health division of
the department of agriculture with respect to powers, duties and functions of the
Kansas animal health department that are transferred under this order. Persons who
are members of the Kansas pet animal advisory board on the effective date of this
order shall continue to hold such offices under the conditions and limitations pro-
vided under K.S.A. 47-1725, and amendments thereto.

Sec. 12. The Kansas department of agriculture shall succeed to all property, prop-
erty rights and records of the Kansas animal health department and the livestock
commissioner of the Kansas animal health department.

Sec. 13. (a) On the effective date of this order, the balances of all funds or accounts
thereof appropriated or reappropriated for the Kansas animal health department are
hereby transferred within the state treasury to the Kansas department of agriculture
and shall be used only for the purpose for which the appropriation was originally
made.

(b) Subject to acts of the legislature, all fees and grant funds dedicated to animal
health programs shall remain dedicated to animal health programs on and after the
effective date of this order.

Sec. 14. (a) (1) The secretary of agriculture in consultation with the animal health
commissioner shall determine such employees as are necessary to enable the secretary
to carry out the duties of the animal health division. The livestock commissioner of
the animal health department shall become the animal health commissioner of the
animal health division of the Kansas department of agriculture on the effective date
of this order. All other officers and employees of the Kansas animal health department
who, immediately prior to such date, were engaged in the performance of powers,
duties and functions for the Kansas animal health department and who are, in the
opinion of the secretary of agriculture in consultation with the animal health com-
missioner, necessary to perform the powers, duties and functions of the Kansas ani-
mal health department that are transferred under this order, shall become officers
and employees of the department of agriculture and are hereby transferred to the
Kansas department of agriculture on the effective date of this order.

(2) All classified employees transferred under this subsection (a) shall retain their
status as classified employees. Thereafter, the secretary of agriculture may convert
vacant classified positions to positions in the unclassified service under the Kansas
civil service act.

(b) Officers and employees of the Kansas animal health department transferred
under this order shall retain all retirement benefits and leave balances and rights that
had accrued or vested prior to the date of transfer. The service of each such officer
and employee so transferred shall be deemed to have been continuous. Any subse-
quent transfers, layoffs or abolition of classified service positions under the Kansas
civil service act shall be made in accordance with the civil service laws and any rules
and regulations adopted thereunder. Nothing in this order shall affect the classified
status of any transferred person employed by the Kansas animal health department prior to the date of transfer.

(c) Liability for accrued compensation or salaries of each officer and employee who is transferred from the Kansas animal health department to the Kansas department of agriculture under this order shall be assumed and paid by the Kansas department of agriculture on the effective date of this order.

Sec. 15. (a) On the effective date of this order, the division of conservation is hereby established within the Kansas department of agriculture. The division of conservation shall be a continuation of the state conservation commission and the executive director of conservation shall be a continuation of the executive director of the state conservation commission. The division shall be administered under the supervision of the secretary of agriculture by the executive director of the division of conservation, who shall be the chief administrative officer of the division. The executive director of the division of conservation shall be jointly appointed by the secretary of agriculture and the state conservation commission and shall serve at the pleasure of the secretary and the state conservation commission. The executive director of the division of conservation shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

(b) All of the powers, duties and functions of the existing state conservation commission and the existing executive director of the state conservation commission are hereby transferred to and imposed upon the conservation division of the Kansas department of agriculture and the executive director of the conservation division, respectively.

Sec. 16. (a) The conservation division of the department of agriculture shall be the successor in every way to the powers, duties and functions of the state conservation commission and the executive director of the state conservation commission in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the state conservation commission and the executive director of the state conservation commission in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Whenever the state conservation commission or the executive director of the state conservation commission, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the conservation division within the department of agriculture or the executive director of the conservation division under the secretary of agriculture.

(c) All rules and regulations, orders and directives of the state conservation commission or the executive director of the state conservation commission that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the conservation division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law by the secretary of agriculture.

Sec. 17. The state conservation commission established by K.S.A. 2-1904, and amendments thereto, is hereby continued in existence within the conservation division within the department of agriculture with respect to the powers, duties and functions of the state conservation commission that are transferred under this order.
Persons who are members of the board shall continue to hold such offices under the conditions and limitations in effect on the effective date of this order.

Sec. 18. The Kansas department of agriculture shall succeed to all property, property rights and records of the state conservation commission and the executive director of the state conservation commission.

Sec. 19. (a) On the effective date of this order, the balances of all funds or accounts thereof appropriated or reappropriated for the state conservation commission are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees and grant funds dedicated to conservation programs shall remain dedicated to conservation programs on and after the effective date of this order.

Sec. 20. (a) (1) The executive director of the conservation commission shall become the executive director of the conservation division of the Kansas department of agriculture on the effective date of this order. All other officers and employees of the state conservation commission who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the state conservation commission and who are, in the opinion of the secretary of agriculture in consultation with the executive director, necessary to perform the powers, duties and functions of the state conservation commission that are transferred under this order, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of this order.

(2) The secretary of agriculture in consultation with the executive director shall determine such officers and employees as are necessary to enable the secretary to carry out the duties of the division of conservation.

(3) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the state conservation commission transferred by this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the state conservation commission prior to the date of transfer.

(c) Liability for accrued compensation or salaries of each officer and employee who is transferred to the Kansas department of agriculture under this order shall be assumed and paid by the Kansas department of agriculture on the effective date of this order.

Sec. 21. (a) No suit, action, or other proceeding, judicial or administrative, that is lawfully commenced or that could have been lawfully commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer’s official capacity or in relation to the discharge of such officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other
proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action that is commenced or that could have been commenced by the state shall abate by the taking effect of this order.

Sec. 22. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

Sam Brownback, Governor of Kansas

Approved February 7, 2011
Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 34 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor’s Message.

In these difficult economic times, state government needs to get back to the basics by focusing on the things that it should rightfully be doing and doing them in the most efficient manner possible. Achieving this goal requires that we eliminate redundancies. In this spirit of streamlining government, I am ordering the consolidation of parole review functions in the executive branch by abolishing the Parole Board as established by K.S.A. 22-3701 et seq. and establishing within the Department of Corrections the Prisoner Review Board.

The Kansas Sentencing Guidelines Act became effective on July 1, 1993 requiring convicted persons to be sentenced pursuant to a determinate sentencing grid. This did away with traditional indeterminate sentencing and its provisions for parole. Since then, the numbers of inmates for whom the possibility of parole exists have dwindled both in real numbers and in the percentage of the total inmate population, thus reducing the need for a full-time, independent state agency to review parole applications.

Additionally, the Department of Corrections already collects data on each inmate up for parole. This data is then transmitted to the Parole Board and forms the basis for the review of each application. By consolidating these functions within the Department’s new Prisoner Review Board staffed by existing Department employees, the process will be streamlined and cost savings will be realized immediately. My Fiscal Year 2012 Budget Report anticipates that the State of Kansas will save nearly one-half million taxpayer dollars from this consolidation alone.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a modest first step toward making state government leaner and more efficient. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

SAM BROWNBACK, Governor

Dated January 21, 2011.

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 35 as corrected to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor’s Message.

Executive Reorganization Order No. 35 as corrected is the corrected version of Executive Reorganization Order No. 35 as transmitted on January 25, 2011, which contained drafting errors.

Our state has a long tradition of promoting full and equal citizenship for all Kansans with disabilities. First established in 1949 as the Governor’s Committee on Employ-
Messages from the Governor

In the Department of the Physically Handicapped, the Kansas Commission on Disability Concerns works to ensure that Kansans with disabilities have equal access to employment opportunities and a living environment of their choice. It partners with state, federal, and local governments as well as businesses, labor, private citizens, and non-profit organizations to enhance the employment opportunities and quality of life of all Kansans who are disabled.

It is important that those who advocate on behalf of disabled Kansans have direct access to the Governor’s office so that the community’s concerns are addressed and solutions to their challenges acted upon. This is why I am ordering the transfer of the Kansas Commission on Disability Concerns as established by K.S.A. 74-6701 et seq. from the Department of Commerce to the Office of the Governor.

I look forward to working with the Legislature and the disabled community in the months and years to come as we work to ensure that all Kansans have equal access to the quality of life that we all have come to appreciate in this state we call home.

SAM BROWNBACK, Governor

Dated February 3, 2011.

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Executive Reorganization Order No. 36 as Corrected

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 36 as corrected to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor’s Message.

Executive Reorganization Order No. 36 as corrected is the corrected version of Executive Reorganization Order No. 36 as transmitted on January 27, 2011, which contained drafting errors.

In these difficult economic times, state government must be organized to market our state’s assets to national and international visitors more effectively. The purpose of this Executive Reorganization Order is to:

1. Rename the Department of Wildlife and Parks as established by K.S.A. 32-801 et seq. as the Department of Wildlife, Parks and Tourism.
2. Abolish the Assistant Secretary of Operations position as established by K.S.A. 32-802, and in its place establish an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism.
3. Transfer the powers, functions, and duties of the Division of Travel and Tourism Development at the Department of Commerce as established by K.S.A. 74-5032 and K.S.A. 74-5032(a) and amendments thereto, to the Department of Wildlife, Parks and Tourism.
4. As I said in my State-of-the-State speech, as we set the stage for economic growth in Kansas we must take greater advantage of tourism opportunities in areas such as the Flint Hills and increase hunting opportunities that already draws millions of dollars to our state year after year. The new structure will allow state government to focus our resources on this important goal more effectively and encourage innovative partnerships between the private and public sectors that can improve our state park system and encourage more visitors to discover the treasures of Kansas. I look for-
ward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

Sam Brownback, Governor

Dated February 3, 2011.

Executive Reorganization Order No. 37

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 37 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor’s Message.

As we look to grow Kansas’ economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering the abolition of Kansas Inc. as established by K.S.A. 74-8001 et seq. Kansas’ government has far too many economic development agencies and programs, many of which focus on picking winners and losers instead of creating an environment for growth. As part of the culture change that Kansans expect in state government as we retool for the 21st century economy, I am looking to consolidate these various functions and make them more accountable to voters for their successes or failures.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This reorganization order is a modest step toward making our economic development structure leaner, more efficient, more accountable, and more successful in growing the state. These means will help us get the more than 100,000 unemployed Kansans back to work and grow our state’s net personal income in the years ahead. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

Sam Brownback, Governor

Dated February 4, 2011.

Executive Reorganization Order No. 38

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 38 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor’s Message.

Kansans have spoken loud and clear: they are looking for their government to be more efficient and their leaders to be more accountable. In this spirit, I am ordering that the Kansas Health Policy Authority as established by K.S.A. 2010 Supp. 75-7401 et seq. be reorganized into the Division of Health Care Finance within the Department of Health and Environment.

For this coming fiscal year, Kansas faces a $550 million budget deficit, much of it related to increased caseloads in Medicaid. Left unaddressed, this growth will continue to consume future budgets and leave the state with very little room to address other priorities. While this reorganization saves $3 million in administration costs for
the next fiscal year, the larger savings will come from unifying the expertise in the KHPA with the accountability of KDHE as we implement major reforms to our Medicaid delivery model. Under the direction of the Lt. Governor and the Secretary of KDHE, the Division of Health Care Finance will be involved in redesigning Medicaid in the State of Kansas.

As I said in my State-of-the-States speech, the days of ever-expanding government are over. This consolidation is a major step toward making state government more efficient, more accountable, and forward looking. As we look toward a future of balancing priorities within the confines of limited state resources, this reorganization will act as a cornerstone for major and long-lasting reforms. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals.

SAM BROWNBACK, GOVERNOR

Dated February 4, 2011.

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Executive Reorganization Order No. 40

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 40 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor’s Message.

As we look to grow Kansas’ economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering a consolidation of agriculture-related functions spread throughout state government within the Department of Agriculture. These consolidations are as follows:

1) The Agriculture Products Development Division within the Department of Commerce as established by K.S.A. 74-50,156, and amendments thereto will be transferred to the Department of Agriculture and renamed the Marketing and Promotions Program.

2) The Kansas Animal Health Department and the Livestock Commissioner as established by K.S.A. 75-1901 et seq. will be consolidated within the Department of Agriculture as the Animal Health Division headed by the Animal Health Commissioner. The Animal Health Board will continue in existence and with members appointed by the Governor. The current Livestock Commissioner will be retained as the new Animal Health Commissioner. Thereafter, a vacancy in the position of Animal Health Commissioner will be filled by appointment by the Secretary of Agriculture from three nominations provided by the Animal Health Board.

3) The State Conservation Commission as established by K.S.A. 2-1904 will be consolidated within the Department of Agriculture as the Conservation Division. The Conservation Commission will continue in existence. The current Executive Director will be retained as the Executive Director of the Conservation Division. Thereafter, a vacancy in the position of executive director will be filled by a joint selection from the Secretary of Agriculture and the Conservation Commission.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a significant step toward making our government structure leaner, more efficient, more accountable, and more successful in growing the
state. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

SAM BROWNBACK, GOVERNOR

Dated February 8, 2011.

HOUSE BILL No. 2014

Message to the Legislature of the State of Kansas:

I want to congratulate the 2011 Legislature on putting together a fair budget in the midst of a down economy. Filling a $500 million budget hole without raising taxes is a difficult task, but the Committees on Appropriations and Ways and Means and the entire House and Senate took on the challenge and produced a budget that funds state priorities while maintaining a responsible $50 million real ending balance. And this balance will grow throughout FY 2012. In fact, in the time period between passage of this bill and today, it is estimated that KPERS will show $4 million in additional savings in FY 2011 and $11 million in FY 2012. I am proud of everyone’s hard work. I will sign this bill.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Substitute for House Bill No. 2014 with my signature approving the bill, except for the items enumerated below. The net effect of these line item vetoes will be an increase in the ending balance of $498,000.

Kansas Technology Enterprise Corporation

Pipeline

Section 26 has been line-item vetoed in its entirety.

As part of my agency reorganizations, I recommended elimination of KTEC. This is an unnecessary appropriation from a fund (the EDIF) that is short of cash for an agency that will not exist on July 1. Other sources are now available to keep the entrepreneurial program running.

Department of Health & Environment—Division of Health Care Finance

Preferred Mental Health Drug List

Section 108(e) has been line-item vetoed in its entirety.

The Preferred Drug List for the Medicaid Program has been in use for several years and has helped in controlling pharmacy expenditures which had been growing exponentially. Expanding the Preferred Drug List to include mental health drugs and using the Mental Health Preferred Drug List (PDL) Advisory Committee to recommend appropriate medically-indicated management of mental health drugs dispensed under the MediKan program will reduce expenditures. My veto of this provision will not require implementation of a PDL, but would allow for improved patient safety; timely access to medications, support of systematic, best-practice guidance for providers, and lower overall costs. The use of a PDL is standard practice in most private health insurance plans.

State Employee Health Benefits Program Surcharge

Section 108(f) has been line-item vetoed in its entirety.
After further review of this provision, it appears that the revenues that might be generated from a surcharge on state employee health premiums are far less than originally anticipated. After a thorough review, the actual revenues that can reasonably be anticipated from this surcharge are $790,000. Given the legal concerns the provision may create as it relates to the Kansas Wage Payment Act coupled with the smaller revenues produced, I am compelled to veto the surcharge. I have further directed the Secretary of the Kansas Department of Health and Environment that upon the effective date of the state reorganization of the Kansas Health Policy Authority, the state employee gift card program shall be phased out. This administrative action is reasonably anticipated to generate savings to the Health Plan of $600,000, which amount shall essentially offset the lost revenue as a result of this specific line-item veto.

**Department of Social and Rehabilitation Services**

**Quarterly Reporting**

That portion of Section 111(a) that reads as follows has been line-item vetoed:

“And provided further, That in addition to the other purposes for which expenditures may be made by the above agency from the state operations account for fiscal year 2012, expenditures shall be made by the above agency from the state operations account for fiscal year 2012 to report, at least quarterly during such fiscal year, to the legislative budget committee concerning the budget and financial status of the department of social and rehabilitation services and any other matter the committee may request.”

I have directed my administration to maintain open lines of communication with the Legislature, instructing them to operate transparently and provide timely information on our policies, ongoing progress, and the challenges we must meet. The language contained in this provision would place an unfair and unnecessary administrative burden on one state agency, so I have vetoed it.

**Kansas Arts Commission**

**Agency Operations**

Section 115(a) has been line-item vetoed in its entirety. That portion of Section 143(a) that reads as follows has been line-item vetoed:

“Kansas Arts Commission ………………………………… 6.00”

This veto strikes State General Fund appropriations made to the Commission and removes the Commission’s FTE position limitation. My FY 2012 Budget Report recommended no funding for the Commission and outlined a transition plan in order to fund the arts in Kansas with private donations while maintaining the state’s federal match. In difficult fiscal times such as these, the state must prioritize how to spend its limited resources and focus its attention on providing core services. The arts will continue to thrive in Kansas when funded by private donations, and I intend to personally involve myself in efforts to make this happen.

**Across the Board Reduction**

That portion of Section 175 that reads as follows has been line-item vetoed:

“Provided further, That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the
account budgeted for state operations which bears the same relation to
$5,900,000 as the aggregate amount budgeted for state operations from the state
general fund for the state agency in the Governor’s Budget Report for FY 2012
bears to the aggregate amount budgeted for state operations from the state
general fund for all state agencies in the Governor’s Budget Report for FY
2012.''

My administration remains committed to right-sizing the state budget and reducing
the likelihood of allotments by maintaining a responsible ending balance. While I
fully intend to make these reductions, I must have the flexibility to impose them
where I believe they can be made without harming key services. The $5.9 million
reduction is left intact with this veto and the certification of reductions will be made
as provided for in the bill. These reductions, however, should not be made on a pro-
rata basis, so I have vetoed this proviso.

Moving Forward

As we look toward more challenges ahead, I encourage the Legislature to join me
in thoroughly reviewing areas where we can reduce the reach of state government.
One of these areas is state subsidization of public broadcasting. I intend again to
include no funding for public broadcasting operations grants in my FY 2013 budget,
so I encourage recipients of these grants to make appropriate preparations.
Again, I commend the Legislature for its work during the 2011 session, and I look
forward to working with all of you in the coming months and years as we get our
state’s budget and economy back on track.

SAM BROWNBACK, Governor

Dated: May 27, 2011.
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