

SENATE Substitute for HOUSE BILL No. 2471

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, June 30, 2006, and June 30, 2007; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; repealing section 66 of 2004 House Bill No. 2675.

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

Section 1. (a) For the fiscal years ending June 30, 2004, June 30, 2005, June 30, 2006, and June 30, 2007, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2004 and shall constitute the omnibus reconciliation spending limit bill for the 2004 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.

LEGISLATURE

(a) The authorization for expenditures by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2005 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46-137a and amendments thereto, which were directed to be made by section 139(p) of 2004 House Bill No. 2675, is hereby rescinded and, on the effective date of this act, the provisions of section 139(p) of 2004 House Bill No. 2675 are hereby declared to be null and void and shall have no force and effect.

(b) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2005 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 of \$324 for the two-week period which coincides with the biweekly payroll period which includes April 1, 2005, which is chargeable to fiscal year 2005 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 2005, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (b) 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 (b) and which are chargeable to fiscal year 2005.

Sec. 3.

GOVERNOR'S DEPARTMENT

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

Governor's department

For the fiscal year ending June 30, 2005..... \$487,560

(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 shall not exceed the following:

Hispanic and Latino American affairs commission — donations fund	
For the fiscal year ending June 30, 2005.....	No limit
Advisory commission on African-American affairs — donations fund	
For the fiscal year ending June 30, 2005.....	No limit
Wireless enhanced 911 grant fund	
For the fiscal year ending June 30, 2005.....	No limit

Provided, That expenditures may be made from the wireless enhanced 911 grant fund for operating expenditures for the governor’s department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor’s department under the open records act for providing access to or furnishing copies of public records, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto: *And provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wireless enhanced 911 grant fund.

Sec. 4.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified as follows, 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:

Title XIX — long-term care ombudsman medicaid federal grant fund	
For the fiscal year ending June 30, 2005.....	No limit
Wireless enhanced 911 grant fund	
For the fiscal year ending June 30, 2005.....	No limit

(b) On July 1, 2004, the limitation established by section 88(g) of 2004 House Bill No. 2675 on the aggregate of the amount or amounts authorized and directed to be transferred on or after July 1, 2004, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2005, 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 is hereby decreased from \$321,796 to \$276,480.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2005, the following:

SIBF — state building insurance	\$56,511
---------------------------------------	----------

Provided, That, notwithstanding the provisions of K.S.A. 2003 Supp. 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.

(d) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2005, the following:

EBF — state building insurance.....	\$329,840
-------------------------------------	-----------

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.

(e) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2005, the following:

CIBF — state building insurance	\$51,975
---------------------------------------	----------

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.

(f) The state corporation commission shall not make the transfers of any unencumbered balance in excess of \$40,000 from the facility conservation improvement program fund of the state corporation commission

to the architectural services recovery fund of the department of administration which were directed to be made on October 1, 2004, on January 1, 2005, on April 1, 2005, and on June 30, 2005, by section 88(k) of 2004 House Bill No. 2675.

(g) The director of accounts and reports shall not make the transfer of any unencumbered balance in excess of \$40,000 in the facilities conservation improvements fund of the department of administration to the architectural services recovery fund of the department of administration which was directed to be made on July 1, 2004, by section 88(o) of 2004 House Bill No. 2675.

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

Public broadcasting council grants

For the fiscal year ending June 30, 2004..... \$30,000

(i) On the effective date of this act, of the \$479,282 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 40(a) of chapter 138 of the 2003 session laws of Kansas from the state general fund in the public TV digital conversion debt service account, the sum of \$30,000 is hereby lapsed.

Sec. 5.

JUVENILE JUSTICE AUTHORITY

(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, 2005..... \$46,700~~

Kansas juvenile correctional complex

For the fiscal year ending June 30, 2005..... \$1,115,774

(b) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675 for the juvenile justice authority is hereby increased from 636.0 to 675.2.

Sec. 6.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Soldiers' home facilities conservation and improvements

For the fiscal year ending June 30, 2004..... \$69,995

Veterans' home capital improvements federal match

For the fiscal year ending June 30, 2004..... \$111,776

Sec. 7.

KANSAS DEPARTMENT OF AGRICULTURE

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

~~Operating expenditures— food safety program~~

~~For the fiscal year ending June 30, 2005..... \$57,950~~

~~Provided, That, if 2004 Senate Bill No. 296 is not enacted into law, then no expenditures shall be made from the operating expenditures— food safety program account.~~

(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:

Food safety fund

For the fiscal year ending June 30, 2005..... No limit

Provided, That expenditures may be made from the food safety fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512 and amendments thereto to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the

state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto, deposited in the state treasury and credited to the food safety fund: *And provided further*, That the secretary of agriculture is hereby authorized to make expenditures from the food safety fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection authority.

(c) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675 for the Kansas department of agriculture is hereby increased from 296.5 to 302.5.

~~(d) On July 1, 2004, if 2004 Senate Bill No. 296 is not enacted into law, the \$57,850 appropriated for the above agency for the fiscal year ending June 30, 2005, by subsection (a) of this section from the state general fund in the operating expenditures — food safety program account is hereby lapsed.~~

Sec. 8.

KANSAS ANIMAL HEALTH DEPARTMENT

(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, 2005..... \$72,012

(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:

Disease control fund — federal

For the fiscal year ending June 30, 2005..... No limit

(c) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675 for the Kansas animal health department is hereby increased from 31.0 to 33.0.

Sec. 9.

KANSAS WATER OFFICE

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

Water resources operating expenditures

For the fiscal year ending June 30, 2005..... \$79,724

Sec. 10.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(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, 2005..... \$150,000

Provided, That expenditures shall be made from the operating expenditures account for the establishment of a public defender office in the 14th judicial district: *Provided further*, That expenditures shall be made from this account to combine the existing public defender office in Chanute, Kansas, with the public defender office being established in the 14th judicial district.

Sec. 11.

FORT HAYS STATE UNIVERSITY

(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 or indirect cost recoveries authorized by law shall not exceed the following:

Memorial union renovation debt service fund

For the fiscal year ending June 30, 2005..... No limit

(b) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 and fiscal year 2006 as authorized by this or other appropriation act

of the 2004 regular session of the legislature, expenditures shall be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 and fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to renovate the memorial union: *Provided*, That such capital improvement project is hereby approved for Fort Hays state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Fort Hays state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$5,700,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations of moneys credited to the memorial union renovation debt service fund or any other appropriate special revenue funds of Fort Hays state university.

Sec. 12.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, the fire service training fund of the university of Kansas is hereby redesignated as the fire service training program fund of the university of Kansas. On and after the effective date of this act, during the fiscal years ending June 30, 2004, and June 30, 2005, whenever the fire service training fund of the university of Kansas, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the fire service training program fund of the university of Kansas.

(b) The director of accounts and reports shall not make the transfers of \$375,000 from the fire marshal fee fund of the state fire marshal to the fire service training program fund of the university of Kansas which were directed to be made on or after July 1, 2004, and January 1, 2005, by section 117(f) of 2004 House Bill No. 2675.

Sec. 13.

STATE BOARD OF REGENTS

(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:

Other federal grants fund

For the fiscal year ending June 30, 2004..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2004 other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2004, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature.

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 2005.....	\$11,700
Center for innovative school leadership	
For the fiscal year ending June 30, 2005.....	\$250,000

Provided, That the state board of regents is hereby authorized to transfer moneys from the center for innovative school leadership account to the appropriate account or accounts of the state general fund of Emporia state university, Fort Hays state university and Pittsburg state university: *Provided further*, That the state board of regents shall work in collaboration with Emporia state university, Fort Hays state university and Pittsburg state university to develop a plan for implementation: *Provided, however*, That, if 2004 Senate Bill No. 304 is not enacted into law, then no amounts shall be transferred from this account to the appropriate account or accounts of the state general fund of Emporia state university, Fort Hays state university and Pittsburg state university and no expenditures shall be made from this account by the state board of regents.

~~Southwest Kansas access project~~

For the fiscal year ending June 30, 2005.....	\$200,000
--	----------------------

~~*Provided*, That the state board of regents is hereby authorized to transfer moneys from the southwest Kansas access project account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.~~

Technical college and school grant

For the fiscal year ending June 30, 2005.....	\$875,000
---	-----------

Provided, That the state board of regents shall make expenditures from the technical college and school grant account for grants to technical schools and colleges which are identified by the state board of regents as pursuing accreditation from the North Central Association of Colleges and Schools.

(c) On July 1, 2004, the position limitation established by section 137(a) of 2004 House Bill No. 2675 for the state board of regents is hereby increased from 55.0 to 56.5.

(d) On July 1, 2004, of the \$725,028 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 120(a) of 2004 House Bill No. 2675 from the state general fund in the national guard educational assistance fund, the amount of \$49,190 is hereby lapsed.

(e) In addition to other expenditures authorized to be made from the comprehensive grant program account for the awards of Kansas comprehensive grants in accordance with the provisions of K.S.A. 74-32,120 through 74-32,125, and amendments thereto, and policies and rules and regulations adopted by the state board of regents for the administration of the Kansas comprehensive grant program, expenditures shall be made from the comprehensive grant program account for fiscal year 2005 for awards of Kansas comprehensive grants to eligible Kansas students who are enrolling or enrolled at an institution of higher education which is accredited by the American Association of Bible Colleges and which has its main campus or principal place of operation located in Kansas, and otherwise in accordance with and subject to the provisions of K.S.A. 74-32,120 through 74-32,125, and amendments thereto, and policies and rules and regulations adopted by the state board of regents for the administration of the Kansas comprehensive grant program.

(f) On July 1, 2004, if 2004 Senate Bill No. 304 is not enacted into law, the \$250,000 appropriated for the above agency for the fiscal year ending June 30, 2005, by subsection (b) of this section from the state general fund in the centers for innovative school leadership account is hereby lapsed.

(g) Notwithstanding the provisions of K.S.A. 75-1253 and amendments thereto, the secretary of administration shall not convene a negotiating committee to select an architect for general construction services on a capital project for a state university unless the project is expected to exceed \$750,000.

(h) Notwithstanding the provisions of K.S.A. 75-5804 and amendments thereto, the university president or chancellor shall not convene a negotiating committee to select an engineering or land surveying firm for

services on a capital project for a state university unless the total cost of such a proposed project is expected to exceed \$500,000.

(i) Notwithstanding the provisions of K.S.A. 75-1269 and amendments thereto, the following provisions shall apply to any capital improvement project at a state university which is funded from the Kansas educational building fund or from gifts, bequests, or donations and for which the department of administration will provide architectural services, engineering services, or management services:

(1) When in-house architectural design services or in-house engineering services are provided by the department of administration, the secretary of administration or the secretary's designee shall negotiate a design fee with the state university for which the project is being constructed. The negotiated design fee shall be a rate or an amount that recovers the costs to the department of administration of providing those services;

(2) The secretary of administration is authorized to fix, charge and collect fees for all other architectural, engineering and management services provided by the department of administration for projects covered by this section. The secretary of administration shall use the projected cost of a project, the complexity of a project, the type of construction involved in a project and the level of services provided by the department of administration as factors in establishing the rate or amount of such fees. The state university for which the project is being constructed shall remit the fees established under this paragraph to the secretary of administration or the secretary's designee according to the following schedule:

(A) For any project with a total estimated cost of under \$3,000,000, the entire fee shall be paid at the time the construction contracts for the project are bid.

(B) For any project with a total estimated cost of \$3,000,000, or more, one-half of the fee shall be paid at the time the construction contracts for the project are bid, and the remaining one-half shall be paid when construction of the project is 50% complete.

(j) No expenditures shall be made by the above agency for the fiscal year ending June 30, 2005, for the purpose of reallocating savings from one research and development facility constructed or equipped under K.S.A. 76-777 *et seq.*, and amendments thereto, to another such project until the chief executive officer of the state board of regents has conducted an overall analysis of the progress and financial requirements of all such projects: *Provided*, That no such reallocation shall be made except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Sec. 14.

ATTORNEY GENERAL

(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, 2004.....	\$60,525
For the fiscal year ending June 30, 2005.....	\$200,000

~~(b) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675 for the attorney general is hereby increased from 94.5 to 96.5.~~

(c) On the effective date of this act, of the \$3,569,834 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 29(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$31,565 is hereby lapsed.

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

Children’s advocacy center fund
 For the fiscal year ending June 30, 2005..... No limit
 Sec. 15.

DEPARTMENT OF EDUCATION

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

General state aid
 For the fiscal year ending June 30, 2004..... \$71,000
 For the fiscal year ending June 30, 2005..... \$1,890,000
 Supplemental general state aid
 For the fiscal year ending June 30, 2005..... \$8,370,000
 KPERS — employer contributions
 For the fiscal year ending June 30, 2005..... \$4,253,138

(b) On July 1, 2004, of the \$9,181,977 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 105(a) of 2004 House Bill No. 2675 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$11,700 is hereby lapsed.

(c) On the effective date of this act, of the \$155,956,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 52(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the supplemental general state aid account, the sum of \$142,000 is hereby lapsed.

(d) On the effective date of this act, of the \$138,940,758 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 52(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the KPERS — employer contributions account, the sum of \$847,191 is hereby lapsed.

(e) 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:

Helping schools license plate program fund
 For the fiscal year ending June 30, 2005..... No limit

(f) During the fiscal year ending June 30, 2005, notwithstanding the provisions of K.S.A. 74-4939 and amendments thereto or any other statute, all moneys appropriated for the department of education from the state general fund for fiscal year 2005 by section 105(a) of 2004 House Bill No. 2675, by this or other appropriation act of the 2004 regular session of the legislature, or by any appropriation act of the 2005 regular session of the legislature, in the KPERS — employer contributions account and all moneys appropriated for the department of education from the state general fund or any special revenue fund for fiscal year 2005 by any such appropriation act in that account or any other account for payment of employer contributions for school districts, shall be distributed by the department of education to school districts in accordance with this subsection: *Provided*, That, notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, the department of education shall disburse to each school district that is an eligible employer as specified in subsection (1) of K.S.A. 74-4931 and amendments thereto an amount certified by the board of trustees of the Kansas public employees retirement system which is equal to the participating employer’s obligation of such school district to the system in accordance with policies and procedures which are hereby authorized and directed to be adopted by the department of education for the purposes of this subsection and in accordance with any requirements prescribed by the board of trustees of the Kansas public employees retirement system: *Provided further*, That, upon receipt of each such disbursement of moneys, the school district shall deposit the entire amount thereof into a special retirement contributions fund of the school district, which shall be established by the school district in accordance with such policies and procedures and which shall be used for the sole purpose of receiving such disbursements from the department of education and making the remittances to the system in accordance with this subsection and such policies and procedures: *And provided further*, That, upon receipt of each such disbursement of mon-

eys from the department of education, the school district shall remit, in accordance with the provisions of such policies and procedures and in the manner and on the date or dates prescribed by the board of trustees of the Kansas public employees retirement system, an equal amount to the Kansas public employees retirement system from the special retirement contributions fund of the school district to satisfy such school district's obligation as a participating employer: *And provided further*, That, notwithstanding the provisions of K.S.A. 74-4939 and amendments thereto, each school district that is an eligible employer as specified in subsection (1) of K.S.A. 74-4931 and amendments thereto shall show within the budget of such school district all amounts received from disbursements into the special retirement contributions fund of such school district: *And provided further*, That, notwithstanding the provisions of any other statute, no official action of the school board of such school district shall be required to approve a remittance to the system in accordance with this subsection and such policies and procedures: *And provided further*, That all remittances of moneys to the system by a school district in accordance with this subsection and such policies and procedures shall be deemed to be expenditures of the school district.

Sec. 16.

KANSAS STATE SCHOOL FOR THE BLIND

(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, 2005..... \$40,604

Provided, That expenditures shall be made by the Kansas state school for the blind from the operating expenditures account to provide salary increases for fiscal year 2005 for teachers at the Kansas state school for the blind.

Sec. 17.

KANSAS STATE SCHOOL FOR THE DEAF

(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, 2005..... \$105,556

Provided, That expenditures shall be made by the Kansas state school for the deaf from the operating expenditures account to provide salary increases for fiscal year 2005 for teachers at the Kansas state school for the deaf.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year or years and for the capital improvement project or projects specified, the following:

Dorm renovation

For the fiscal year ending June 30, 2005..... \$529,794

Sec. 18.

SECRETARY OF STATE

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

HAVA match

For the fiscal year ending June 30, 2004..... \$28,245

For the fiscal year ending June 30, 2005..... \$434,152

(b) During the fiscal year ending June 30, 2005, all expenditures by the secretary of state 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 such act.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from moneys appropriated for the secretary of state from the state general fund or any special revenue fund for fiscal year 2005 as authorized by this or any other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the secretary of state to fix, charge and collect a fee from each county in the state to provide part of the matching moneys required for the implementation of title II of the federal help America vote act of 2002, public law 107-252: *Provided*, That such fee shall be fixed for each county in an amount proportional to the voting age population of the county as pre-

scribed by the 2000 decennial census, except that such fee shall be not less than \$500 for any county: *Provided further*, That such fees shall be fixed to provide an aggregate amount of not to exceed the amount equal to 2% of the sum of (1) the aggregate amount of federal moneys for title II of the federal help America vote act of 2002, public law 107-252, plus (2) all state matching funds: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury and credited to the democracy fund: *And provided further*, That all such fees imposed on such counties shall be remitted to the secretary of state on or before January 15, 2005.

(d) During the fiscal year ending June 30, 2005, notwithstanding the provisions of this or any other appropriation act of the 2004 session of the legislature, no expenditures shall be made by the secretary of state for payment of any moneys appropriated in the HAVA federal fund to any county that has not remitted the fee to be paid by such county to provide part of the matching moneys required for the implementation of title II of the federal help America vote act of 2002, public law 107-252, pursuant to subsection (c).

(e) In addition to the other purposes for which expenditures may be made by the secretary of state from moneys appropriated in the operating expenditures account of the state general fund for fiscal year 2005 as authorized by this or any other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the secretary of state from moneys appropriated in the operating expenditures account of the state general fund for fiscal year 2005 to provide part of the state matching requirement for the implementation of title II of the federal help America vote act of 2002, public law 107-252.

(f) In addition to the other purposes for which expenditures may be made by the secretary of state from moneys appropriated for the secretary of state from the state general fund or any special revenue fund for fiscal year 2005 as authorized by this or any other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the secretary of state to prepare and the secretary of state shall submit a report to the legislative budget committee on July 15, 2004, for the state primary election and on October 15, 2004, for the state general election listing the polling places and locations thereof closed for the July 15, 2004, report subsequent to January 1, 2004, and for the October 15, 2004, report subsequent to July 15, 2004, and the reasons for such closure.

Sec. 19.

STATE CORPORATION COMMISSION

(a) On July 1, 2004, the amount of \$40,000 authorized by section 86(e) of 2004 House Bill No. 2675 to be transferred by the director of accounts and reports from the facilities conservation improvement fund of the department of administration to the facility conservation improvement program fund of the state corporation commission, is hereby changed to any unencumbered balance as of July 1, 2004, in the facilities conservation improvement fund of the department of administration.

Sec. 20.

INSURANCE DEPARTMENT

(a) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 40-112 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$150,000 from the insurance department service regulation fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the insurance department service regulation fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the insurance department service regulation fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the insurance department by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On July 1, 2004, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 40-112 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$80,000 from the insurance department service regulation fund to the

state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the insurance department service regulation fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the insurance department service regulation fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the insurance department by other state agencies which receive appropriations from the state general fund to provide such services.

(c) During the fiscal year ending June 30, 2005, in addition to the other purposes for which expenditures may be made by the insurance department from the moneys appropriated in the insurance department service regulation fund for fiscal year 2005 by this or other appropriation act of the 2004 regular session of the legislature, notwithstanding the provisions of any other statute, the insurance department shall make expenditures from the insurance department service regulation fund for fiscal year 2005 for dues associated with membership in the national conference of insurance legislators.

Sec. 21.

STATE BOARD OF HEALING ARTS

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 16(a) of 2004 House Bill No. 2675 on the healing arts fee fund is hereby increased from \$2,378,523 to \$2,425,211.

Sec. 22.

KANSAS DENTAL BOARD

(a) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 22 of chapter 138 of the 2003 Session Laws of Kansas for the dental board is hereby increased from 2.5 to 3.0.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 67(b) of chapter 160 of the 2003 Session Laws of Kansas on the dental board fee fund is hereby increased from \$317,870 to \$347,241.

Sec. 23.

DEPARTMENT ON AGING

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

Senior care act

For the fiscal year ending June 30, 2005.....	\$15,000
---	----------

(b) In addition to the other purposes for which expenditures may be made by the department on aging from the senior care act account of the state general fund for fiscal year 2005 as authorized by section 100(a) of 2004 House Bill No. 2675, expenditures shall be made by the above agency from the senior care act account of the state general fund for fiscal year 2005 for the foster grandparents program: *Provided*, That expenditures for such purpose from the senior care act account of the state general fund for fiscal year 2005 shall not exceed \$15,000.

Sec. 24.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Vocational rehabilitation aid and assistance

For the fiscal year ending June 30, 2005.....	\$550,000
---	-----------

Community based services

For the fiscal year ending June 30, 2004.....	\$742,000
---	-----------

For the fiscal year ending June 30, 2005.....	\$342,000
---	-----------

Youth services aid and assistance

For the fiscal year ending June 30, 2004.....	\$10,000,000
---	--------------

Cash assistance

For the fiscal year ending June 30, 2004.....	\$482,897
---	-----------

For the fiscal year ending June 30, 2005.....	\$300,000
---	-----------

Larned state hospital — operating expenditures

For the fiscal year ending June 30, 2004.....	\$1,306
---	---------

For the fiscal year ending June 30, 2005.....	\$21,994
Larned state hospital — sexual predator treatment program	
For the fiscal year ending June 30, 2005.....	\$2,724,691
Parsons state hospital and training center — operating expenditures	
For the fiscal year ending June 30, 2004.....	\$2,448
For the fiscal year ending June 30, 2005.....	\$8,013
Other medical assistance	
For the fiscal year ending June 30, 2004.....	\$2,977,278
Children’s health insurance	
For the fiscal year ending June 30, 2004.....	\$1,536,252

(b) On July 1, 2004, of the \$70,758,231 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 101(a) of 2004 House Bill No. 2675 from the state general fund in the youth services aid and assistance account, the sum of \$9,929,800 is hereby lapsed: *Provided*, That no expenditures shall be made from the youth services aid and assistance account to withhold payments from non-renewed providers until the new child welfare contracts have been let and the written transition plan has 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.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 44(f) of 2004 House Bill No. 2675 on the social welfare fund is hereby increased from \$64,981,386 to \$84,281,386.

(d) On the effective date of this act, of the \$2,000,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 50(c) of chapter 138 of the 2003 Session Laws of Kansas from the children’s initiatives fund in the HealthWave account, the sum of \$1,536,252 is hereby lapsed.

(e) On the effective date of this act, of the \$3,000,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 50(c) of chapter 138 of the 2003 Session Laws of Kansas from the children’s initiatives fund in the medicaid account, the sum of \$2,000,000 is hereby lapsed.

(f) On the effective date of this act, of the \$1,960,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 44(a) of 2004 House Bill No. 2675 from the state general fund in the Larned state hospital — sexual predator treatment program account, the sum of \$750,000 is hereby lapsed.

(g) There is appropriated for the above agency from the state institutions building fund for the fiscal year or years specified, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects

For the fiscal year ending June 30, 2005.....	\$6,772,365
---	-------------

Provided, That expenditures may be made from the rehabilitation and repair projects account for fiscal year 2005 for rehabilitation and repair projects at the Kansas neurological institute or Parsons state hospital and training center only upon approval by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting after receiving the recommendations of the legislative budget committee.

(h) 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:

Health care access improvement fund

For the fiscal year ending June 30, 2005.....	No limit
---	----------

(i) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 38-2102 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$3,536,252 from the children’s initiatives fund to the Kansas endowment for youth fund.

(j) On and after January 1, 2005, during the fiscal year ending June 30,

2005, notwithstanding the provisions of any other statute, no expenditures shall be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 to make any contract for the customer service program relating to the electronic benefit transfer portion of the food stamp vision card program with any contractor or vendor who performs, or subcontracts or otherwise procures the services or work contracted for, at a location outside of the United States of America: *Provided*, That each contractor or vendor submitting a bid to contract to provide services or work for the department of social and rehabilitation services shall certify that the services or work covered by the bid or contract will be performed at a location in the United States: *Provided further*, That no expenditures shall be made under any such contract upon a finding that the contractor or vendor, or any subcontractor thereof, during the term of the contract shifts services or work on any such contract to a location outside of the United States of America and the contract shall be terminated for noncompliance: *And provided further*, That any such contract shall contain a provision which allows for the employment of qualified TAF recipients to provide services under such contract.

(k) On and after the effective date of this act, during the fiscal year ending June 30, 2004, and during the fiscal year ending June 30, 2005, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or any special revenue fund for fiscal years 2004 and 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, notwithstanding the provisions of any other statute, the department of social and rehabilitation services is hereby directed to use all available resources to resolve the impasse with the centers for medicare and medicaid services regarding the state medicaid plan amendments related to the distribution of disproportionate share funding and to initiate communications with the centers for medicare and medicaid services urging immediate approval of the state medicaid plan amendments.

(l) During the fiscal year ending June 30, 2005, the secretary of social and rehabilitation services shall not expand the existing public mental health provider system by opening up the medical card for the provision of mental health services to other than the existing medicaid eligible providers of mental health services as of March 1, 2004: *Provided*, That the secretary of social and rehabilitation services shall work with the association of community mental health centers of Kansas, inc., to identify and address concerns related to service delivery, access and choice within the structure of the existing public mental health system.

(m) There is appropriated for the above agency from the children's initiatives fund for the fiscal year or years specified, the following:

Attendant care for independent living
 For the fiscal year ending June 30, 2005..... \$50,000

(n) On and after the effective date of this act, during the fiscal year ending June 30, 2004, and during the fiscal year ending June 30, 2005, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or any special revenue fund for fiscal years 2004 and 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, notwithstanding the provisions of any other statute, the department of social and rehabilitation services is hereby directed to report in January of 2005 to the 2005 legislature the department's progress toward improving transition for children as they age out of the attendant care for independent living program.

Sec. 25.

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, 2005, the following:~~

~~Pregnancy maintenance initiative..... \$300,000~~

~~Provided, That expenditures shall be made from the pregnancy maintenance initiatives account for the fiscal year 2005 pursuant to contracts for programs that provide services for women which enable them to carry their pregnancies to term which are hereby authorized and directed to be entered into by the secretary of health and environment. *Provided, however,* That all such contracts shall be entered into through a competitive bidding process. *Provided further,* That such contracted services may include an array of social services relating to pregnancy maintenance and that no individuals who are unable to pay shall be denied the delivery or provision of pregnancy maintenance services. *And provided further,* That no contract or contracts under pregnancy maintenance programs shall be entered into with any group performing, promoting, referring for or educating in favor of abortion. *And provided further,* That a not-for-profit organization awarded a contract under this proviso shall match state moneys under this contract on the basis of a 50% match from a not-for-profit organization and a 50% match from the department of health and environment. *And provided further,* That the secretary of health and environment shall submit a report to the legislature at the beginning of the regular session of the legislature in 2005 on the results and outcomes of such pregnancy maintenance programs. *And provided further,* That no part of the grant moneys shall be used for any political purposes.~~

(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:

Lead-based paint hazard fee fund	
For the fiscal year ending June 30, 2005.....	No limit
Census of traumatic occupational fatalities — federal fund	
For the fiscal year ending June 30, 2005.....	No limit

(c) In addition to the other purposes for which expenditures may be made by the department of health and environment from the moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 2005, as authorized by chapter 138 or 160 of the 2003 Session Laws of Kansas, by 2004 House Bill No. 2675, or by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005, notwithstanding the provisions of section 98(m) of 2004 House Bill No. 2675 or any other provision of any other appropriation act of the 2004 regular session of the legislature for fiscal year 2005, for the following purposes related to licensure requirements:

- (1) Facilities, programs or services operated by a school on school property for children five years and older before and after the customary school day during the regular school term;
- (2) non-residential programs or services designated for mental health treatment of children and adolescents provided by a community mental health center licensed pursuant to K.S.A.75-3307b, and amendments thereto;
- (3) drop-in recreation programs that are for children five years and older provided by a municipality, the salvation army, the boys and girls club of America where the children are free to come and go from the premises without being escorted by a parent or responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subjects including, but not limited to, music, dance and religion, and the program provider does not assume responsibility for the provision of daily child care outside the scheduled program; and
- (4) day camping or recreation programs for children five years and older which have as the primary emphasis outdoor education and recreation and are operated between school terms for no more than seven hours per day or which are accredited by the American camping association or other national standard-setting agency or church camp accreditation programs which must provide standards equivalent to the American camping association standards: *Provided,* That the prohibition contained

in section 98(m) of 2004 House Bill No. 2675 on expenditures for such purposes is hereby rescinded and, on the effective date of this act, the provisions of section 98(m) of 2004 House Bill No. 2675 are hereby declared to be null and void and shall have no force and effect.

(d) On October 1, 2004, the position limitation established by section 137(a) of 2004 House Bill No. 2675 for the department of health and environment — division of health is hereby decreased from 409.0 to 404.0.

Sec. 26.

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 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:

Environmental response remedial activity specific site — lead site federal fund

For the fiscal year ending June 30, 2005.....	No limit
Emergency environmental response — nonspecific sites federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Chemical control fund	
For the fiscal year ending June 30, 2005.....	No limit
Medicare fund — federal — environment fund	
For the fiscal year ending June 30, 2005.....	No limit
Federal EPA 106 water pollution control fund	
For the fiscal year ending June 30, 2005.....	No limit
Salt mining well plugging fund	
For the fiscal year ending June 30, 2005.....	No limit

Sec. 27.

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:

Senior community service employment program	
For the fiscal year ending June 30, 2005.....	\$4,444
Kansas commission on disability concerns	
For the fiscal year ending June 30, 2005.....	\$232,906
Athletic commission operations	
For the fiscal year ending June 30, 2005.....	\$29,204

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year or years specified, the following:

Older Kansans employment program	
For the fiscal year ending June 30, 2005.....	\$239,430

(c) 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:

Kansas community entrepreneurship fund	
For the fiscal year ending June 30, 2005.....	No limit
Athletic fee fund	
For the fiscal year ending June 30, 2005.....	No limit
Wheat harvest program — non-federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Adult program — WIA — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Youth program — WIA — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Dislocated worker — WIA — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Trade adjustment assistance — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Workforce opportunity tax credit — federal fund	
For the fiscal year ending June 30, 2005.....	No limit

Alien labor certification — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Local veterans employment representative — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Disabled veterans outreach program — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Wagner Peyser — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Re-employment services — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Senior community service employment program — federal fund	
For the fiscal year ending June 30, 2005.....	No limit
Indirect cost fund	
For the fiscal year ending June 30, 2005.....	No limit
Kansas commission on disability concerns operating fund	
For the fiscal year ending June 30, 2005.....	No limit
Kansas commission on disability concerns — donations fund	
For the fiscal year ending June 30, 2005.....	No limit
Kansas commission on disability concerns — private grant fund	
For the fiscal year ending June 30, 2005.....	No limit
Apprenticeship — federal fund	
For the fiscal year ending June 30, 2005.....	No limit

(d) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675 for the department of commerce is hereby increased from 108.5 to 390.1.

(e) On July 1, 2004, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2005, the director of accounts and reports, in accordance with one or more certifications, jointly-issued by the secretary of commerce, secretary of labor and the director of the budget to the director of accounts and reports, shall transfer one or more amounts from the division of employment and training funds and accounts of the department of labor to the appropriate workforce development funds and accounts of the department of commerce for the purposes of implementing Executive Reorganization Order No. 31: *Provided*, That, at the same time that each such joint certification is made 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. 28.

STATE FIRE MARSHAL

(a) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675 for the state fire marshal is hereby increased from 49.0 to 51.0.

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

State fire marshal liquified petroleum gas fee fund	
For the fiscal year ending June 30, 2005.....	\$150,000

Sec. 29.

KANSAS LOTTERY

(a) In addition to the aggregate total of not less than \$62,773,000 that shall be transferred from the lottery operating fund to the state gaming revenues fund during fiscal year 2004 as prescribed by section 43(c) of chapter 138 of the 2003 Session Laws of Kansas, an additional amount of not less than \$3,800,000 shall be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2004, for a new aggregate amount of not less than \$66,573,000 to be transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2004 in monthly transfers concluding on or before July 15, 2004.

Sec. 30.

DEPARTMENT OF REVENUE

(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:

Distinctive license plate fund
 For the fiscal year ending June 30, 2005..... No limit
 Sec. 31.

DEPARTMENT OF WILDLIFE AND PARKS

(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:

Feed the hungry fund
 For the fiscal year ending June 30, 2005..... No limit
 Cheyenne Bottoms federal grants fund
 For the fiscal year ending June 30, 2005..... No limit
 Tuttle Creek state park mitigation project fund
 For the fiscal year ending June 30, 2005..... \$1,500,000

Provided, That expenditures may be made from the Tuttle Creek state park mitigation project fund for a capital improvement project to construct a new access road and campground at the Tuttle Creek state park: *Provided however*, That all moneys received during fiscal year 2005 from the federal government for reimbursement of state expenses for this project in mitigation of damage to the Tuttle Creek state park in the area of the access road and campground during the U. S. Army Corps of Engineers project to repair Tuttle Creek dam shall be deposited in the state treasury to the credit of the Tuttle Creek state park mitigation project fund: *Provided further*, That all moneys received under the loan from the pooled money investment board pursuant to subsection (d) of section 60 of 2004 House Bill No. 2675 shall be deposited in the state treasury to the credit of the Tuttle Creek state park mitigation project fund: *And provided further*, That such loan shall be repaid from moneys available therefor in this fund or from other moneys appropriated for the department of wildlife and parks and available therefor: *And provided further*, That all expenditures from this fund during fiscal year 2005 for repayment of such loan shall be in addition to any expenditure limitation imposed on this fund for fiscal year 2005.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 135(b) of 2004 House Bill No. 2675 on the wildlife fee fund is hereby increased from \$16,477,049 to \$16,597,049.

(c) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 135(b) of 2004 House Bill No. 2675 on the parks fee fund is hereby increased from \$6,726,465 to \$6,766,465.

(d) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 135(b) of 2004 House Bill No. 2675 on the boating fee fund is hereby increased from \$736,406 to \$776,406.

(e) On July 1, 2004, the director of accounts and reports shall transfer \$42,960 from the state general fund to the wildlife fee fund of the department of wildlife and parks for the purpose of complying with federal restrictions on the sale of 24 department of wildlife and parks motor vehicles purchased with federal funds and sold at the state vehicle auction.

(f) On July 1, 2004, the \$100,000 appropriated for the above agency from the parks fee fund for the fiscal year ending June 30, 2005, by section 166(n) of 2004 House Bill No. 2675 in the Menninger memorial state park account is hereby lapsed.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2005, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2005 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State park no. 24 in Shawnee county..... \$100,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2005.

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

Reimbursement for annual licenses issued to national guard members

For fiscal year ending June 30, 2005 \$60,000

Provided, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be used to reimburse the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2005 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to reimburse the wildlife fee fund for such licenses: *Provided, however*, That no other hunting or fishing licenses or permits shall be eligible for reimbursement from this account: *Provided further*, That the secretary of wildlife and parks shall certify to the director of accounts and reports on a quarterly basis an amount to be transferred from this account to the wildlife fee fund in order to reimburse the costs of such licenses: *And provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from this account to the wildlife fee fund.

Reimbursement for annual park permits issued to national guard members

For the fiscal year ending June 30, 2005 \$206,000

Provided, That all moneys in the reimbursement for annual park vehicle permits issued to national guard members account shall be used to reimburse the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2005 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park vehicle permits issued to national guard members account to reimburse the parks fee fund for such permits: *Provided, however*, That not more than one annual park vehicle permit per family shall be eligible for reimbursement from this account: *Provided further*, That the secretary of wildlife and parks shall certify to the director of accounts and reports on a quarterly basis an amount to be transferred from this account to the parks fee fund in order to reimburse the costs of such annual park vehicle permits: *And provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amounts certified from this account to the parks fee fund.

Sec. 32. During the fiscal year ending June 30, 2005, no moneys appropriated from the state general fund or any special revenue fund shall be expended by any state agency named in chapter 138 or 160 of the 2003 Session Laws of Kansas or in this or other appropriation act of the 2004 regular session of the legislature for the purchase or other acquisition of any seed, forage or mulch that is not certified by the Kansas department of agriculture in accordance with a memorandum of understanding entered into by the Kansas department of agriculture and the North American weed management association that such seed, forage or mulch meets the standards set forth in the North American weed management forage program: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department of agriculture from moneys appropriated by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature from the state general fund or any special revenue funds for fiscal year 2004 or 2005, expenditures shall be made by the Kansas department of agriculture to provide for staff members of the Kansas department of agriculture, who are qualified to certify seed, forage and mulch to meet any additional or supplemental certification requirements of state agencies, to assist any such additional or supplemental certifications as may be required by any other state agency.

Sec. 33.

DEPARTMENT OF TRANSPORTATION

(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:

Communication system revolving fund

For the fiscal year ending June 30, 2005..... No limit

(b) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675 for the department of transportation is hereby increased from 3247.5 to 3251.5.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2004, and during the fiscal year ending June 30, 2005, in addition to the other purposes for which expenditures may be made by the department of transportation and the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal years 2004 and 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the department of transportation and the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 and fiscal year 2005 to adopt policies and procedures for use by officers and employees of the department of transportation to facilitate and provide for automatic issuance of purchasing contract waivers or exemptions to permit each subarea shop of the department of transportation to purchase automotive parts and supplies from vendors other than those prescribed in existing purchasing contracts in those cases when vendors prescribed in existing purchasing contracts are not located within the five-digit zipcode of the subarea shop.

Sec. 34.

EMERGENCY MEDICAL SERVICES BOARD

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 128(a) of 2004 House Bill No. 2675 on the emergency medical services operating fund account of the emergency medical services board is hereby increased from \$1,034,301 to \$1,234,301.

(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 2005 by this or other appropriation act of the 2004 regular session of the legislature, expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2005 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants, instructor-coordinators and training officers: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants, instructor-coordinators and training officers: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants, instructor-coordinators and training officers who are obtaining a post-secondary education degree: *And provided further*, That expenditures from the board of emergency medical services operating fund shall not exceed \$200,000 to fund such grant program.

(c) On July 1, 2004, the amount of \$425,000 authorized by section 128(b) of 2004 House Bill No. 2675 to be transferred by the director of accounts and reports from the emergency medical services operating fund of the emergency medical services board to the state general fund is hereby decreased to \$225,000.

Sec. 35.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

~~(a) In addition to the other purposes for which expenditures may be made from the forensic laboratory and materials fee fund, expenditures may be made by the above agency from the Kansas bureau of investigation forensic laboratory and materials fee fund for the following fiscal years for the capital improvement project, subject to the expenditure limitation prescribed therefor:~~

Great Bend laboratory renovation	
For the fiscal year ending June 30, 2005.....	\$340,834
For the fiscal year ending June 30, 2006.....	\$283,171
For the fiscal year ending June 30, 2007.....	\$50,000

~~Provided, That no expenditures shall be made from the forensic laboratory and materials fee fund for Great Bend laboratory renovation until such capital improvement project has been reviewed by the joint committee on state building construction.~~

(b) On July 1, 2004, the date of June 1, 2005, that is prescribed by section 127(c) of 2004 House Bill No. 2675 for the transfer authorized by section 127(c) of 2004 House Bill No. 2675 is hereby changed and such transfer shall not be made on June 1, 2005, and the director of accounts and reports shall transfer the amount specified by section 127(c) of 2004 House Bill No. 2675 from the state general fund to the Kansas bureau of investigation motor vehicle fund for the purposes of acquiring and selling motor vehicles for the Kansas bureau of investigation on July 1, 2004.

Sec. 36.

KANSAS SENTENCING COMMISSION

(a) On the effective date of this act, of the \$3,883,577 appropriated for the above agency by section 16(a) of chapter 160 of the 2003 Session Laws of Kansas for the fiscal year ending June 30, 2004, from the state general fund in the substance abuse treatment programs account, the sum of \$1,500,000 is hereby lapsed.

Sec. 37.

DEPARTMENT OF CORRECTIONS

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

Facilities operations	
For the fiscal year ending June 30, 2004.....	\$45,000
Treatment and programs	
For the fiscal year ending June 30, 2004.....	\$341,000
Bedspace contracts	
For the fiscal year ending June 30, 2005.....	\$1,460,000

Provided, That no expenditures shall be made from the bedspace contracts account of the state general fund during the fiscal year ending June 30, 2005, until the secretary of corrections certifies to the director of accounts and reports that the aggregate number of all maximum and medium custody male inmates in the state correctional system has reached 6,061: *Provided further*, That, at the same time such certification is made, the secretary of corrections shall deliver a copy of such certification to the director of the budget and the director of the legislative research department.

(b) The above agency is hereby authorized to begin construction of a spiritual life center on the grounds of the El Dorado correctional facility during the fiscal year ending June 30, 2005: *Provided*, That no expenditures shall be made from the state general fund or any special revenue fund for construction of the spiritual life center, except for incentive pay to inmates engaged in the construction pursuant to K.S.A. 75-5211 and amendments thereto and for the supervision of those inmates.

(c) On the effective date of this act, of the \$32,369,719 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state general fund in the Lansing correctional facility — facilities operations account, the sum of \$100,000 is hereby lapsed.

(d) On the effective date of this act, of the \$13,080,180 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state

general fund in the central administration operations and parole and post-release supervision operations account, the sum of \$181,000 is hereby lapsed.

~~(e) In addition to the other purposes for which expenditures may be made by the department of corrections from the inmate benefit fund for fiscal year 2005 as authorized by section 121(b) of 2004 House Bill No. 2675, expenditures shall be made by the above agency from the inmate benefit fund for fiscal year 2005 for the four visitor centers at Ellsworth, Hutchinson, Lansing and Norton correctional facilities in accordance with this subsection: *Provided*, That the aggregate amount of expenditures from the inmate benefit fund for fiscal year 2005 for such purpose shall not exceed \$125,000. *Provided, however*, That expenditures from the inmate benefit fund for fiscal year 2005 for such purpose may exceed \$25,000 only upon one or more certifications by the secretary of corrections to the director of accounts and reports that an amount or amounts of federal, local or in-kind donations are available for such purposes to match the expenditure of additional moneys from the inmate benefit fund for fiscal year 2005 on the basis of \$1 of federal, local or in-kind donations to \$1 of moneys from the inmate benefit fund.~~

Sec. 38.

DEPARTMENT OF LABOR

(a) On July 1, 2004, of the \$1,055,737 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 96(b) of 2004 House Bill No. 2675 from the state general fund in the operating expenditures account, the sum of \$724,910 is hereby lapsed.

(b) On July 1, 2004, the director of accounts and reports shall transfer all moneys in the advisory committee on Hispanic affairs — donations fund of the department of labor to the Hispanic and Latino American affairs commission — donations fund of the governor's department. On July 1, 2004, all liabilities of the advisory committee on Hispanic affairs donations fund of the department of labor are hereby transferred to and imposed on the Hispanic and Latino American affairs commission — donations fund of the governor's department and the advisory committee on Hispanic affairs donations fund of the human resources is hereby abolished.

(c) On July 1, 2004, the director of accounts and reports shall transfer all moneys in the non-federal advisory committee on African-American affairs donations account of the human resources special projects fund — federal of the department of labor to the advisory commission on African-American affairs — donations fund of the governor's department. On July 1, 2004, all liabilities of the non-federal advisory committee on African-American affairs account of the human resources special projects fund of the department of labor are hereby transferred to and imposed on the advisory commission on African-American affairs — donations fund of the governor's department and the non-federal advisory committee on African-American affairs account of the human resources special projects fund of the department of labor is hereby abolished.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, 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:

Remodel department of labor facilities fund

For the fiscal year ending June 30, 2005..... No limit

Provided, That the department of labor may make expenditures from the remodel department of labor facilities fund for the capital improvement project to improve agency facilities: *Provided, however*, That expenditures from this fund for such capital improvement project, including necessary furniture and equipment, shall not exceed the amount transferred pursuant to subsection (e) from the complete remodeling of agency headquarters fund to the remodel department of labor facilities fund: *Provided further*, That no expenditures shall be made from this fund until the proposed project has been reviewed by the joint committee on state building construction.

(e) During the fiscal year ending June 30, 2005, upon the release of each encumbrance of moneys in the complete remodeling of agency headquarters fund, upon certification by the secretary of labor, the di-

rector of accounts and reports shall transfer the amount equal to the unexpended balance of each such released encumbrance from the complete remodeling of agency headquarters fund to the remodel department of labor facilities fund.

(f) In addition to the other purposes for which expenditures may be made by the department of labor from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of labor for moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to finance grants for an information technology project to upgrade the unemployment insurance benefit system: *Provided*, That such information technology project is hereby approved for the department of labor 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 no such bonds shall be issued until the department of labor has first advised and consulted on any such project with the joint committee on information technology: *And provided, further*, That the amount of the bond proceeds that may be utilized for any such information technology 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 the department of labor may make expenditures from the moneys received for the issuance of any such bonds for such information technology project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such information technology project shall not exceed \$21,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such information technology projects during the implementation of such projects 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 information technology projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds, including federal Reed act funds as made available to the state pursuant to section 903(d) of the federal social security act.

(g) On July 1, 2004, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675 for the department of labor is hereby decreased from 940.4 to 652.8.

(h) On July 1, 2004, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2005, the director of accounts and reports, in accordance with one or more certifications, jointly-issued by the secretary of commerce, secretary of labor and the director of the budget to the director of accounts and reports, shall transfer one or more amounts from the workforce development funds and accounts of the department of commerce to the appropriate division of employment and training funds and accounts of the department of labor for the purposes of implementing Executive Reorganization Order No. 31: *Provided*, That, at the same time that each such joint certification is made 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. 39.

REAL ESTATE APPRAISAL BOARD

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 25(a) of 2004 House Bill No. 2675 on the appraiser fee fund is hereby increased from \$244,226 to \$245,430.

Sec. 40.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 26(a) of 2004 House Bill No. 2675 on the real estate fee fund is hereby increased from \$795,796 to \$799,896.

Sec. 41.

ADJUTANT GENERAL

(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 shall not exceed the following:

Kansas military emergency relief fund

For the fiscal year ending June 30, 2005..... \$50,000

Provided, That expenditures may be made from the Kansas military emergency relief fund for grants and interest—free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and army reserve members during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided*, 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.

(b) On July 1, 2004, the director of accounts and reports shall transfer \$50,000 from the state general fund to the Kansas military emergency relief fund of the adjutant general.

(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 2005 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2004 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 2005, notwithstanding the provisions of K.S.A. 48-205 and amendments thereto or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law, to provide for one of the two assistant adjutants general authorized by K.S.A. 48-205 and amendments thereto to be designated as a position in the unclassified service under the Kansas civil service act: *Provided*, That the position of such assistant 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 2005 made by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That any amount of expenditures for salaries and wages for fiscal year 2005 for such position of assistant adjutant general in the unclassified service under the Kansas civil service act in excess of the amount of expenditures authorized by law for the classified position of assistant adjutant general shall be funded entirely from moneys received from the federal government and appropriated for the adjutant general from one or more special revenue funds for fiscal year 2005 and shall not be funded from any moneys appropriated for the adjutant general from the state general fund for fiscal year 2005: *And provided further*, That the authority to establish such position in the unclassified service shall not affect the classified service status of any person who is an employee of the adjutant general in the classified service under the Kansas civil service act.

Sec. 42.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, 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:

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, and K.S.A. 74-4967 and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be deposited in the KDFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2005: *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, 2005.

~~Sec. 43.~~

~~DEPARTMENT OF EDUCATION~~

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

~~General state aid~~

~~— For the fiscal year ending June 30, 2005..... \$68,100,000~~

~~Supplemental general state aid~~

~~— For the fiscal year ending June 30, 2005..... \$5,280,000~~

~~Special education services aid~~

~~— For the fiscal year ending June 30, 2005..... \$8,520,000~~

~~School-based budgeting pilot project~~

~~— For the fiscal year ending June 30, 2005..... \$100,000~~

~~—(b) On or before July 1, 2004, if no bill is passed by the legislature during the 2004 regular session and enacted into law that makes amendments to or is supplemental to the school district finance and quality performance act and that provides for increased state aid for school districts for the fiscal year ending June 30, 2005, above the amounts of state aid provided under law for the fiscal year ending June 30, 2004, other than this act, then the director of the budget and the director of the legislative research department shall jointly determine and certify that fact to the director of accounts and reports and, effective on July 1, 2004, the amount appropriated for the above agency for the fiscal year ending June 30, 2005, by subsection (a) of this section from the state general fund in each of the following accounts is hereby lapsed: General state aid account; supplemental general state aid account; special education services aid account; school-based budgeting pilot project account.~~

~~—Sec. 44. (a) On or before June 30, 2005, the director of accounts and reports shall transfer \$82,000,000 from the state highway fund of the department of transportation to the state general fund for the purpose of financing the cost of operation and general expenses of the division of vehicles and operations of the department of revenue and for the purpose of financing the Kansas highway patrol operations. *Provided*, That, in addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2005 and fiscal year 2006, 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 for fiscal year 2005 and fiscal year 2006 for the support and maintenance of the Kansas highway patrol and for the support and maintenance of the department of revenue.~~

~~—(b) If no bill is passed by the legislature during the 2004 regular session and enacted into law that makes amendments to or is supplemental to the school district finance and quality performance act and that provides for increased state aid for school districts for the fiscal year ending June 30, 2005, above the amounts of state aid provided under law for the fiscal year ending June 30, 2004, other than this act, the director of the budget and the director of the legislative research department shall jointly determine and certify that fact to the director of accounts and reports on or before July 1, 2004, and the director of accounts and reports shall not make the transfer of \$82,000,000 from the state highway fund of the~~

~~department of transportation to the state general fund which was directed to be made on June 30, 2005, by subsection (a) of this section.~~

~~—Sec. 45.~~

~~DEPARTMENT OF REVENUE~~

~~—(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, 2006..... \$38,000,000~~

~~Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.~~

~~—(b) On or before July 1, 2004, if no bill is passed by the legislature during the 2004 regular session and enacted into law that makes amendments to or is supplemental to the school district finance and quality performance act and that provides for increased state aid for school districts for the fiscal year ending June 30, 2005, above the amounts of state aid provided under law for the fiscal year ending June 30, 2004, other than this act, then the director of the budget and the director of the legislative research department shall jointly determine and certify that fact to the director of accounts and reports and, effective on July 1, 2005, then (1) the \$38,000,000 appropriated for the above agency for the fiscal year ending June 30, 2006, by subsection (a) of this section from the state general fund in the operating expenditures account is hereby lapsed and (2) the appropriation for the above agency for the fiscal year ending June 30, 2006, by subsection (a) of this section of any unencumbered balance in the operating expenditures account as of June 30, 2005, in the operating expenditures account the state general fund, is hereby lapsed.~~

~~—Sec. 46.~~

~~KANSAS HIGHWAY PATROL~~

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

~~Operating expenditures~~

~~—For the fiscal year ending June 30, 2006..... \$44,000,000~~

~~Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.~~

~~—(b) On or before July 1, 2004, if no bill is passed by the legislature during the 2004 regular session and enacted into law that makes amendments to or is supplemental to the school district finance and quality performance act and that provides for increased state aid for school districts for the fiscal year ending June 30, 2005, above the amounts of state aid provided under law for the fiscal year ending June 30, 2004, other than this act, then the director of the budget and the director of the legislative research department shall jointly determine and certify that fact to the director of accounts and reports and, effective on July 1, 2005, the \$44,000,000 appropriated for the above agency for the fiscal year ending June 30, 2006, by subsection (a) of this section from the state general fund in the operating expenditures account is hereby lapsed.~~

Sec. 47. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2004, or June 30, 2005, made in chapter 138 or 160 of the 2003 Session Laws of Kansas or in this act or in any other appropriation act of the 2004 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 48. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the state economic development initiatives fund, the children’s initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 49. *Savings.* (a) Any unencumbered balance as of June 30, 2004,

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 2004 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2005, for the same use and purpose as the same was heretofore appropriated. This subsection shall not apply to any state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas.

(b) Any unencumbered balance as of June 30, 2004, in any special revenue fund, or account thereof, of any state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas which is not otherwise specifically appropriated or limited for fiscal year 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for fiscal year 2005 for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 50. During the fiscal year ending June 30, 2005, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2004 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2005, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this subsection, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 51. *Federal grants.* (a) During the fiscal year ending June 30, 2005, 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 2004 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2005, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom. This subsection shall not apply to any state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas.

(b) During the fiscal year ending June 30, 2005, each federal grant or other federal receipt which is received by a state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas and which is not otherwise appropriated to that state agency for fiscal year 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for fiscal year 2005 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 2005, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2005.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act or other appropriation act of the 2004 regular session of the legislature and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session

of the legislature to apply for and receive federal grants during fiscal year 2005, 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. 52. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2004 regular session of the legislature, and having an unencumbered balance as of June 30, 2004, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2005, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 53. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2004 regular session of the legislature and having an unencumbered balance as of June 30, 2004, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2005, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 54. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2004 regular session of the legislature and having an unencumbered balance as of June 30, 2004, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2005, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 55. Any transfers of money during the fiscal year ending June 30, 2004, 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, 2005.

Sec. 56. On July 1, 2004, section 66 of 2004 House Bill No. 2675 is hereby repealed.

Sec. 57. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

Governor Sebelius' Veto Message for House Bill 2471 *

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Substitute for House Bill No. 2471 with my signature approving the bill, except for the items enumerated below.

Juvenile Justice Authority

New Position for Interstate Compact

That portion of Section 5(a) that reads as follows has been line-item vetoed:

“Operating expenditures
For the fiscal year ending June 30, 2005\$46,700”

The Legislature appropriated \$46,700 from the State General Fund in FY 2005 to aid the Juvenile Justice Authority in administering the interstate compact for juvenile offenders. However, the agency will be able to cover any costs related to administration of the compact within its existing budget. As a result, I veto the funding that the Legislature added for this compact.

Department of Agriculture

New Food Safety Director

Sections 7(a) and 7(d) have been line-item vetoed in their entirety.

The Legislature approved my Executive Reorganization Order to transfer the Food Safety Program from the Department of Health and Environment to the Department of Agriculture. My intention was to transfer the same resources of funding and positions from one agency to the other, thus resulting in no net effect on the budget. However, the Legislature added \$57,850 from the State General Fund for FY 2005 to finance a new Food Safety Director for the program. I veto the funding for this position as an expense that undermines the original intent of fiscal neutrality.

Board of Regents

Southwest Kansas Access Program

That portion of Section 13(b) that reads as follows has been line-item vetoed:

“Southwest Kansas access project
For the fiscal year ending June 30, 2005 \$200,000

Provided, That the state board of regents is hereby authorized to transfer moneys from the southwest Kansas access project account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.”

The Board of Regents was appropriated \$200,000 from the State General Fund for FY 2004 for this program, and another \$200,000 was approved for FY 2005 in the regular appropriations bill. In the omnibus appropriations bill, the Legislature appropriated still another \$200,000 for FY 2005. I veto the \$200,000 that was appropriated in the omnibus bill because it provides more funds than the agency can reasonably spend. Of the original \$200,000 appropriated for FY 2004, only a small portion has been expended to date. Therefore, it is projected that a significant portion of the original appropriation for FY 2004 will carry over in FY 2005. When combined with the new appropriation of \$200,000 for FY 2005 in the regular appropriations bill, sufficient funds will be available in FY 2005 to finance this program.

Attorney General

New White-Collar Crime Unit

That portion of Sections 14(a) that reads as follows has been line-item vetoed:

“For the fiscal year ending June 30, 2005 \$200,000”

Section 14(b) has been line-item vetoed in its entirety.

The Legislature appropriated \$200,000 from the State General Fund and increased the agency’s position limitation by 2.0 FTE positions for a new white-collar crime unit for FY 2005. Investigation and prosecution of white-collar crime are important to protect the interests of the citizens of the State of Kansas. Currently, there are several state agencies that guard against white-collar crime activities, including the Office of the Kansas Securities Commissioner, the Kansas Insurance Department, the Office of the Bank Commissioner, and the Kansas Bureau of Investigation. I believe that these agencies and the Attorney General’s Office, in collaboration with local law enforcement agencies and county and district attorneys, have contributed significantly to the investigation and prosecution of white-collar

crime across the state and will continue to do so. I therefore veto the funds and positions that the Legislature added for this purpose.

Department of Health & Environment

Pregnancy Maintenance

Section 25(a) has been line-item vetoed in its entirety.

The Pregnancy Maintenance Initiative (PMI) issues grants to not-for-profit organizations that provide care to pregnant women. However, the PMI funding from the state is not the sole source of funding that these organizations receive. Because many different public health programs are competing for state resources, I veto the spending of limited State General Fund dollars for the pregnancy maintenance programs that have been and will continue to be supported by communities and other sources of funding.

Kansas Bureau of Investigation

Great Bend Lab Renovation

Section 35(a) has been line-item vetoed in its entirety.

The Legislature authorized the expenditure of monies from the agency's Forensic Laboratory and Materials Fee Fund for FY 2005 through FY 2007 for renovation of the Great Bend laboratory. While this capital improvement project may have great merit, it should be handled through the normal budget process and considered in context with all of the other priorities that the agency may have. A proper review of this project, along with the mechanism for funding it in its entirety, should be presented in the agency's budget submission in September.

Department of Corrections

Visitor Centers

Section 37(e) has been line-item vetoed in its entirety.

The Legislature funded the visitor centers in the amount of \$125,000 from the Inmate Benefit Fund in FY 2005. Of this amount, any expenditures over \$25,000 would have had to be matched dollar-for-dollar from federal funds, local contributions, or in-kind donations. Because of the state's financial situation, the Department of Corrections has seen a significant funding reduction for inmate programs over the past five fiscal years. Although the visitor centers have provided a useful service to inmates and their families, other priority inmate programs that have been reduced or eliminated should be restored first.

Selected Agencies

School Finance Plan

Sections 43, 44, 45, and 46 have been line-item vetoed in their entirety.

These sections of the omnibus bill represent the Legislature's last unsuccessful attempt in passing a school finance plan. The sections make appropriations of State General Fund monies to the Department of Education for FY 2005, transfer funds from the State Highway Fund to the State General Fund at the end of FY 2005, and make appropriations for FY 2006 from the State General Fund for operating expenditures of the Division of Vehicles of the Department of Revenue and State Highway Patrol. Although there are provisions in these sections to lapse the appropriations and nullify the transfer if no school finance bill is passed, I veto these sections as a technical matter by removing unneeded language.

Dated: May 21, 2004

KATHLEEN SEBELIUS
Governor

*Veto will be shown in double-strike type.