

Message to the House of Representatives of the State of Kansas:

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.

Kathleen Sebelius, Governor

May 21, 2004

Dated: