

**HOUSE Substitute for SENATE BILL No. 536**

By Committee on Appropriations

4-28

10 AN ACT making and concerning appropriations for the fiscal years end-  
11 ing June 30, 2004, June 30, 2005, June 30, 2006, and June 30, 2007;  
12 authorizing certain transfers and fees, imposing certain restrictions and  
13 limitations and directing or authorizing certain receipts, disburse-  
14 ments, capital improvements and acts incidental to the foregoing; re-  
15 pealing section 66 of 2004 House Bill No. 2675.

16

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

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

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

27 (c) This act shall be known and may be cited as the omnibus approp-  
28 riation act of 2004 and shall constitute the omnibus reconciliation spend-  
29 ing limit bill for the 2004 regular session of the legislature for purposes  
30 of subsection (a) of K.S.A. 75-6702 and amendments thereto.

31 (d) The appropriations made by this act shall not be subject to the  
32 provisions of K.S.A. 46- 155 and amendments thereto.

33 Sec. 2.

34

**LEGISLATURE**

35 (a) The authorization for expenditures by the legislature from the op-  
36 erations (including official hospitality) account of the state general fund  
37 for fiscal year 2005 for an additional amount of allowance equal to the  
38 amount required to provide, along with the amount of allowance other-  
39 wise payable from appropriations for the legislature to each member of  
40 the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a  
41 and amendments thereto, which were directed to be made by section  
42 139(p) of 2004 House Bill No. 2675, is hereby rescinded and, on the  
43 effective date of this act, the provisions of section 139(p) of 2004 House

1 Bill No. 2675 are hereby declared to be null and void and shall have no  
2 force and effect.

3 (b) In addition to the other purposes for which expenditures may be  
4 made by the legislature from the operations (including official hospitality)  
5 account of the state general fund for the fiscal year ending June 30, 2005,  
6 expenditures shall be made by the legislature from the operations (in-  
7 cluding official hospitality) account of the state general fund for fiscal year  
8 2005 for an additional amount of allowance equal to the amount required  
9 to provide, along with the amount of allowance otherwise payable from  
10 appropriations for the legislature to each member of the legislature at the  
11 rate prescribed by subsection (c) of K.S.A. 46-137a and amendments  
12 thereto, an aggregate amount of allowance of \$324 for the two-week pe-  
13 riod which coincides with the biweekly payroll period which includes  
14 April 1, 2005, which is chargeable to fiscal year 2005 and for each of the  
15 four ensuing two-week periods thereafter, for each member of the leg-  
16 islature to defray expenses incurred between sessions of the legislature  
17 for postage, telephone, office and other incidental expenses, which are  
18 chargeable to fiscal year 2005, notwithstanding the provisions of K.S.A.  
19 46-137a, and amendments thereto: *Provided*, That all expenditures under  
20 this subsection (b) for such purposes shall be made otherwise in the same  
21 manner that such allowance is payable to such members of the legislature  
22 for such two-week periods for which such allowance is payable in accord-  
23 ance with this subsection (b) and which are chargeable to fiscal year 2005.

24 Sec. 3.

25 GOVERNOR'S DEPARTMENT

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

28 Governors department

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

30 (b) There is appropriated for the above agency from the following spe-  
31 cial revenue fund or funds for the fiscal year or years specified, all moneys  
32 now or hereafter lawfully credited to and available in such fund or funds,  
33 except that expenditures shall not exceed the following:

34 Hispanic and Latino American affairs commission — donations fund

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

36 Advisory commission on African-American affairs — donations fund

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

38 Sec. 4.

39 DEPARTMENT OF ADMINISTRATION

40 (a) There is appropriated for the above agency from the following spe-  
41 cial revenue fund or funds for the fiscal year or years specified as follows,  
42 all moneys now or hereafter lawfully credited to and available in such  
43 fund or funds, except that expenditures other than refunds or indirect

1 cost recoveries authorized by law shall not exceed the following:

2 Title XIX — long-term care ombudsman medicaid federal grant fund

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

4 (b) On July 1, 2004, the limitation established by section 88(g) of 2004  
5 House Bill No. 2675 on the aggregate of the amount or amounts author-  
6 ized and directed to be transferred on or after July 1, 2004, or as soon  
7 thereafter as moneys are available during the fiscal year ending June 30,  
8 2005, from the appropriate federal fund or funds of the department on  
9 aging to the older Americans act long term care ombudsman federal fund  
10 of the department of administration is hereby decreased from \$321,796  
11 to \$276,480.

12 (c) There is appropriated for the above agency from the state institu-  
13 tions building fund for the fiscal year ending June 30, 2005, the following:

14 SIBF — state building insurance ..... \$56,511

15 *Provided*, That, notwithstanding the provisions of K.S.A. 2003 Supp. 76-  
16 6b05 and amendments thereto, expenditures may be made by the above  
17 agency from the SIBF state building insurance account of the state in-  
18 stitutions building fund for state building insurance premiums.

19 (d) There is appropriated for the above agency from the Kansas edu-  
20 cational building fund for the fiscal year ending June 30, 2005, the fol-  
21 lowing:

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

23 *Provided*, That, notwithstanding the provisions of K.S.A. 76-6b02 and  
24 amendments thereto, expenditures may be made by the above agency  
25 from the EBF state building insurance account of the Kansas educational  
26 building fund for state building insurance premiums.

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

30 CIBF — state building insurance ..... \$51,975

31 *Provided*, That, notwithstanding the provisions of K.S.A. 76-6b09 and  
32 amendments thereto, expenditures may be made by the above agency  
33 from the CIBF state building insurance account of the correctional in-  
34 stitutions building fund for state building insurance premiums.

35 (f) The state corporation commission shall not make the transfers of  
36 any unencumbered balance in excess of \$40,000 from the facility conser-  
37 vation improvement program fund of the state corporation commission  
38 to the architectural services recovery fund of the department of admin-  
39 istration which were directed to be made on October 1, 2004, on January  
40 1, 2005, on April 1, 2005, and on June 30, 2005, by section 88(k) of 2004  
41 House Bill No. 2675.

42 (g) The director of accounts and reports shall not make the transfer of  
43 any unencumbered balance in excess of \$40,000 in the facilities conser-

1 vation improvements fund of the department of administration to the  
2 architectural services recovery fund of the department of administration  
3 which was directed to be made on July 1, 2004, by section 88(o) of 2004  
4 House Bill No. 2675.

5 (h) In addition to other purposes for which expenditures may be made  
6 by the department of administration from moneys appropriated in the  
7 information technology fund for the fiscal year ending June 30, 2005, by  
8 this or other appropriation act of the 2004 regular session of the legisla-  
9 ture, expenditures shall be made from moneys appropriated in the infor-  
10 mation technology fund to publish and deliver copies of the KANS-A-N  
11 telephone directory to the division of legislative administrative services  
12 for legislative use: *Provided*, That the number of copies of the KANS-A-  
13 N telephone directory published pursuant to this subsection shall not  
14 exceed 500 copies: *Provided further*, That the director of the division of  
15 information systems and communications is hereby authorized to fix,  
16 charge and collect fees from the legislature for publication and distribu-  
17 tion of the KANS-A-N telephone directory for legislative use: *And pro-*  
18 *vided further*, That such fees shall be fixed to cover all or part of the  
19 operating expenditures incurred in publishing and delivering such copies  
20 of the KANS-A-N telephone directory for legislative use: *And provided*  
21 *further*, That all fees received for publication and distribution of the  
22 KANS-A-N telephone directory for legislative use pursuant to this sub-  
23 section shall be credited to the information technology fund.

24 (i) There is appropriated for the above agency from the state general  
25 fund for the fiscal year or years specified, the following:  
26 Public broadcasting council grants

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

28 (j) On July 1, 2004, of the \$470,570 appropriated for the above agency  
29 for the fiscal year ending June 30, 2005, by section 88(a) of 2004 House  
30 Bill No. 2675 from the state general fund in the public TV digital con-  
31 version debt service account, the sum of \$30,000 is hereby lapsed.

32 Sec. 5.

33 JUVENILE JUSTICE AUTHORITY

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

36 Operating expenditures

37 For the fiscal year ending June 30, 2005..... \$46,700

38 Kansas juvenile correctional complex

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

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

43

1 Sec. 6.

2 KANSAS COMMISSION ON VETERANS AFFAIRS

3 (a) There is appropriated for the above agency from the state institu-  
4 tions building fund for the fiscal year or years specified, the following:

5 Soldiers home facilities conservation and improvements  
6 For the fiscal year ending June 30, 2004..... \$69,995

7 Veterans home capital improvements federal match  
8 For the fiscal year ending June 30, 2004..... \$111,776

9 (b) On July 1, 2004, the position limitation established for the fiscal  
10 year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675  
11 for the Kansas commission on veterans affairs is hereby increased from  
12 557.8 to 563.8.

13 Sec. 7.

14 KANSAS DEPARTMENT OF AGRICULTURE

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

17 Operating expenditures — food safety program  
18 For the fiscal year ending June 30, 2005..... \$57,850

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

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

27 Food safety fund  
28 For the fiscal year ending June 30, 2005..... No limit

29 *Provided*, That expenditures may be made from the food safety fund for  
30 operating expenditures for the food inspection program and other activ-  
31 ities for the regulation of food service establishments, food vending ma-  
32 chines, food vending machine companies and food vending machine deal-  
33 ers under the food service and lodging act: *Provided further*, That,  
34 notwithstanding the provisions of K.S.A. 36-512 and amendments thereto  
35 to the contrary, all moneys received from fees charged and collected by  
36 the secretary of agriculture under the food inspection program and other  
37 activities for the regulation of food service establishments, food vending  
38 machines, food vending machine companies and food vending machine  
39 dealers under the food service and lodging act shall be remitted to the  
40 state treasurer in accordance with the provisions of K.S.A. 75-4215 and  
41 amendments thereto, deposited in the state treasury and credited to the  
42 food safety fund: *And provided further*, That the secretary of agriculture  
43 is hereby authorized to make expenditures from the food safety fund for

1 contracts or other agreements with local governments to inspect food  
2 service, food processing, grocery or other facilities for which the depart-  
3 ment of agriculture has inspection authority.

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

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

13 Sec. 8.

14 KANSAS ANIMAL HEALTH DEPARTMENT

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

17 Operating expenditures

18 For the fiscal year ending June 30, 2005..... \$31,415

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

24 Disease control fund — federal

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

26 (c) On July 1, 2004, the position limitation established for the fiscal  
27 year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675  
28 for the Kansas animal health department is hereby increased from 31.0  
29 to 32.0.

30 Sec. 9.

31 KANSAS WATER OFFICE

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

34 Water resources operating expenditures

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

36 Sec. 10.

37 FORT HAYS STATE UNIVERSITY

38 (a) There is appropriated for the above agency from the following spe-  
39 cial revenue fund or funds for the fiscal year or years specified, all moneys  
40 now or hereafter lawfully credited to and available in such fund or funds,  
41 except that expenditures other than refunds or indirect cost recoveries  
42 authorized by law shall not exceed the following:

43

1 Memorial union renovation debt service fund  
2 For the fiscal year ending June 30, 2005..... No limit  
3 (b) In addition to the other purposes for which expenditures may be  
4 made by Fort Hays state university from the moneys appropriated from  
5 the state general fund or from any special revenue fund for fiscal year  
6 2005 as authorized by this or other appropriation act of the 2004 regular  
7 session of the legislature, expenditures shall be made by Fort Hays state  
8 university from moneys appropriated from the state general fund or from  
9 any special revenue fund or funds for fiscal year 2005 to provide for the  
10 issuance of bonds by the Kansas development finance authority in ac-  
11 cordance with K.S.A. 74-8905 and amendments thereto for a capital im-  
12 provement project to renovate the memorial union: *Provided*, That such  
13 capital improvement project is hereby approved for Fort Hays state uni-  
14 versity for the purposes of subsection (b) of K.S.A. 74-8905 and amend-  
15 ments thereto and the authorization of the issuance of bonds by the Kan-  
16 sas development finance authority in accordance with that statute:  
17 *Provided further*, That Fort Hays state university may make expenditures  
18 from the moneys received from the issuance of any such bonds for such  
19 capital improvement project: *Provided, however*, That expenditures from  
20 the moneys received from the issuance of any such bonds for such capital  
21 improvement project shall not exceed \$5,700,000, plus all amounts re-  
22 quired for costs of bond issuance, costs of interest on the bonds issued  
23 for such capital improvement project during the construction of such  
24 project and any required reserves for the payment of principal and inter-  
25 est on the bonds: *And provided further*, That all moneys received from  
26 the issuance of any such bonds shall be deposited and accounted for as  
27 prescribed by applicable bond covenants: *And provided further*, That  
28 debt service for any such bonds for such capital improvement project  
29 shall be financed by appropriations of moneys credited to the memorial  
30 union renovation debt service fund or any other appropriate special rev-  
31 enue funds of Fort Hays state university.

32 Sec. 11.

33 UNIVERSITY OF KANSAS

34 (a) On the effective date of this act, the fire service training fund of  
35 the university of Kansas is hereby redesignated as the fire service training  
36 program fund of the university of Kansas. On and after the effective date  
37 of this act, during the fiscal years ending June 30, 2004, and June 30,  
38 2005, whenever the fire service training fund of the university of Kansas,  
39 or words of like effect, is referred to or designated by a statute, contract  
40 or other document, such reference or designation shall be deemed to  
41 apply to the fire service training program fund of the university of Kansas.  
42 (b) The director of accounts and reports shall not make the transfers  
43 of \$375,000 from the fire marshal fee fund of the state fire marshal to

1 the fire service training program fund of the university of Kansas which  
2 were directed to be made on or after July 1, 2004, and January 1, 2005,  
3 by section 117(f) of 2004 House Bill No. 2675.

4 Sec. 12.

5 STATE BOARD OF REGENTS

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

11 Other federal grants fund

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

13 *Provided*, That the above agency is authorized to make expenditures from  
14 the other federal grants fund of any moneys credited to this fund from  
15 any individual grant if the grant is: (1) Less than or equal to \$750,000 in  
16 the aggregate, and (2) does not require the matching expenditure of any  
17 other moneys in the state treasury during fiscal year 2004 other than  
18 moneys appropriated by this or other appropriation act of the 2004 reg-  
19 ular session of the legislature: *Provided, however*, That, upon application  
20 to and authorization by the governor, the above agency may make ex-  
21 penditures of moneys credited to this fund from any individual federal  
22 grant which is more than \$750,000 in the aggregate or which requires the  
23 matching expenditure of moneys in the state treasury during fiscal year  
24 2004, other than moneys appropriated by this or other appropriation act  
25 of the 2004 regular session of the legislature.

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

28 Operating expenditures (including official hospitality)

29 For the fiscal year ending June 30, 2005..... \$11,700

30 Centers for innovative school leadership

31 For the fiscal year ending June 30, 2005..... \$250,000

32 *Provided*, That the state board of regents is hereby authorized to transfer  
33 moneys from the centers for innovative school leadership account to the  
34 appropriate account or accounts of the state general fund of Emporia  
35 state university, Fort Hays state university and Pittsburg state university:

36 *Provided, however*, That, if 2004 Senate Bill No. 304 is not enacted into  
37 law, then no amounts shall be transferred from this account to the ap-  
38 propriate account or accounts of the state general fund of Emporia state  
39 university, Fort Hays state university and Pittsburg state university and  
40 no expenditures shall be made from this account by the state board of  
41 regents.

42 Southwest Kansas access project

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



1 *Provided*, That the state board of regents is hereby authorized to transfer  
2 moneys from the southwest Kansas access project account to the appro-  
3 priate account or accounts of the state general fund of any state educa-  
4 tional institution under the control and supervision of the state board of  
5 regents.

6 Technical college and school grant  
7 For the fiscal year ending June 30, 2005..... \$1,750,000

8 ~~*Provided*, That the state board of regents shall make expenditures from~~  
9 ~~the technical college and school grant account for grants to the Wichita~~  
10 ~~area technical college, the Manhattan area technical college and the Flint~~  
11 ~~Hills technical college. *Provided further*, That the aggregate amount of~~  
12 ~~expenditures from this account for grants to the Wichita area technical~~  
13 ~~college, the Manhattan area technical college and the Flint Hills technical~~  
14 ~~college shall not exceed \$1,000,000. *And provided further*, That the state~~  
15 ~~board of regents shall make expenditures from this account for additional~~  
16 ~~grants to other technical schools and colleges which are pursuing accred-~~  
17 ~~itation from the North Central Association of Colleges and Schools. *And*~~  
18 ~~*provided further*, That the aggregate amount of expenditures from this~~  
19 ~~account for such grants to other technical schools and colleges which are~~  
20 ~~pursuing such accreditation shall not exceed \$750,000. [*Provided*, That~~  
21 **the state board of regents shall make expenditures from the tech-**  
22 **nicol college and school grant account for grants to technical**  
23 **schools and colleges which are identified by the state board of**  
24 **regents as pursuing accreditation from the North Central Associ-**  
25 **ation of Colleges and Schools.]**

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

29 (d) On July 1, 2004, of the \$725,028 appropriated for the above agency  
30 for the fiscal year ending June 30, 2005, by section 120(a) of 2004 House  
31 Bill No. 2675 from the state general fund in the national guard educa-  
32 tional assistance fund, the amount of ~~\$250,000~~ [**\$49,190**] is hereby  
33 lapsed.

34 (e) In addition to other expenditures authorized to be made from the  
35 comprehensive grant program account for the awards of Kansas compre-  
36 hensive grants in accordance with the provisions of K.S.A. 74-32,120  
37 through 74-32,125, and amendments thereto, and policies and rules and  
38 regulations adopted by the state board of regents for the administration  
39 of the Kansas comprehensive grant program, expenditures shall be made  
40 from the comprehensive grant program account for fiscal year 2005 for  
41 awards of Kansas comprehensive grants to eligible Kansas students who  
42 are enrolling or enrolled at an institution of higher education which is  
43 accredited by the American Association of Bible Colleges and which has

1 its main campus or principal place of operation located in Kansas, and  
2 otherwise in accordance with and subject to the provisions of K.S.A. 74-  
3 32,120 through 74-32,125, and amendments thereto, and policies and  
4 rules and regulations adopted by the state board of regents for the ad-  
5 ministration of the Kansas comprehensive grant program.

6 (f) (1) In addition to the other purposes for which expenditures may  
7 be made by the state board of regents from the moneys appropriated  
8 from the state general fund or from any special revenue fund for the fiscal  
9 years ending June 30, 2004, June 30, 2005, and June 30, 2006, as au-  
10 thorized by chapter 138 or 160 of the 2003 Session Laws of Kansas, by  
11 2004 House Bill No. 2675, or by this or other appropriation act of the  
12 2004, 2005 or 2006 regular sessions of the legislature, expenditures shall  
13 be made by the state board of regents from moneys appropriated from  
14 the state general fund or from any special revenue fund for fiscal year  
15 2004, fiscal year 2005, fiscal year 2006 and fiscal year 2007 to reallocate,  
16 in accordance with this subsection (f)(1), from the unutilized portion of  
17 the bond issuance authorization designated for the research and devel-  
18 opment facility project authorized by the state board of regents for the  
19 university of Kansas medical center under the university research and  
20 development enhancement act, within the aggregate amount of bonds  
21 authorized by the university research and development enhancement act  
22 and notwithstanding the provisions of K.S.A. 2003 Supp. 76-777 through  
23 76-789 and amendments thereto, a portion of such bond issuance au-  
24 thorization to provide for the issuance of additional bonds by the Kansas  
25 development finance authority in accordance with K.S.A. 74-8905 and  
26 amendments thereto for capital improvement projects for the acquisition  
27 and installation of laboratories and equipment for icing and wind tunnels,  
28 crash testing and advanced manufacturing, including associated construc-  
29 tion, remodeling or renovation, for the National Institute for Aviation  
30 Research at Wichita state university as authorized by K.S.A. 2003 Supp.  
31 76-789 and amendments thereto: *Provided*, That such capital improve-  
32 ment projects are hereby approved for the state board of regents for the  
33 purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto  
34 and the authorization of the issuance of bonds by the Kansas development  
35 finance authority in accordance with that statute: *Provided further*, That  
36 the state board of regents may make expenditures from the moneys re-  
37 ceived from the issuance of any such bonds for such capital improvement  
38 projects in the same manner and under the same conditions as the capital  
39 improvement projects authorized by K.S.A. 2003 Supp. 76-789 and  
40 amendments thereto: *And provided further*, That the reallocation of bond  
41 issuance authority under this subsection (f)(1) shall be conducted by the  
42 state board of regents so that bond issuance authorization is allocated to  
43 provide sufficient moneys from the issuance of any such bonds for such

1 capital improvement projects to provide for expenditures (A) for fiscal  
2 year 2005 of not to exceed \$2,000,000, plus all amounts required for costs  
3 of bond issuance, costs of interest on the bonds issued for such capital  
4 improvement projects during the construction of such projects and any  
5 required reserves for the payment of principal and interest on the bonds,  
6 (B) for fiscal year 2006 of not to exceed \$2,000,000, plus all amounts  
7 required for costs of bond issuance, costs of interest on the bonds issued  
8 for such capital improvement projects during the construction of such  
9 projects and any required reserves for the payment of principal and in-  
10 terest on the bonds, and (C) for fiscal year 2007 of not to exceed  
11 \$2,000,000, plus all amounts required for costs of bond issuance, costs of  
12 interest on the bonds issued for such capital improvement projects during  
13 the construction of such projects and any required reserves for the pay-  
14 ment of principal and interest on the bonds: *Provided, however*, That the  
15 aggregate amount of expenditures from the moneys received from the  
16 issuance of all such bonds for such capital improvement projects for fiscal  
17 years 2005, 2006 and 2007 shall not exceed \$6,000,000, plus all amounts  
18 required for costs of bond issuance, costs of interest on the bonds issued  
19 for such capital improvement projects during the construction of such  
20 projects and any required reserves for the payment of principal and in-  
21 terest on the bonds: *And provided further*, That all moneys received from  
22 the issuance of any such bonds shall be deposited and accounted for as  
23 prescribed by applicable bond covenants: *And provided further*, That,  
24 notwithstanding the provisions of K.S.A. 2003 Supp. 76-777 through 76-  
25 789 and amendments thereto, debt service for any such bonds for such  
26 capital improvement projects shall be financed by appropriations from  
27 the state general fund or any appropriate special revenue fund or funds.  
28 (2) During the fiscal years ending June 30, 2004, and June 30, 2005,  
29 notwithstanding the provisions of K.S.A. 2003 Supp. 76-777 through 76-  
30 789 and amendments thereto or any other statute, no expenditures shall  
31 be made by the state board of regents from moneys appropriated from  
32 the state general fund or from any special revenue fund for fiscal year  
33 2004 and fiscal year 2005 to reallocate any portion of the unutilized por-  
34 tion of the bond issuance authorization designated for the research and  
35 development facility project authorized by the state board of regents for  
36 the university of Kansas medical center under the university research and  
37 development enhancement act, other than the reallocations prescribed  
38 by subsection (f)(1), and the state board of regents shall not reallocate  
39 any portion of such unutilized portion of the such bond issuance author-  
40 ization: *Provided*, That the state board of regents may reallocate a portion  
41 of the unutilized portion of the bond issuance authorization designated  
42 for the research and development facility project authorized by the state  
43 board of regents for the university of Kansas medical center under the

1 university research and development enhancement act, in addition to the  
2 reallocations prescribed by subsection (f)(1), upon approval by the state  
3 finance council acting on this matter, which is hereby characterized as a  
4 matter of legislative delegation and subject to the guidelines prescribed  
5 in subsection (c) of K.S.A. 75- 3711c and amendments thereto, except  
6 that such approval also may be given while the legislature is in session.

7 (3) As used in this subsection (f), state board of regents includes the  
8 subsidiary corporation formed by the state board of regents under K.S.A.  
9 76-781 and amendments thereto.

10 (g) On July 1, 2004, the \$2,000,000 appropriated for Wichita state uni-  
11 versity by section 119(d) of 2004 House Bill No. 2675 from the state  
12 economic development initiatives fund in the aviation research initiative  
13 account for the fiscal year ending June 30, 2005, is hereby lapsed.

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

19 **[(i) (1) Notwithstanding any provision of law to the contrary and**  
20 **for the purpose of tuition and fees for attendance at a postsecon-**  
21 **dary educational institution, any individual who is enrolled or has**  
22 **been accepted for admission at a postsecondary educational insti-**  
23 **tution as a postsecondary student shall be deemed to be a resident**  
24 **of Kansas: *Provided*, That as used in this subsection: (a) “Postse-**  
25 **condary educational institution” has the meaning ascribed thereto**  
26 **in K.S.A. 74-3201b, and amendments thereto; and (b) “individual”**  
27 **means a person who (i) has attended an accredited Kansas high**  
28 **school for three or more years, (ii) has either graduated from an**  
29 **accredited Kansas high school or has earned a general educational**  
30 **development (GED) certificate issued within Kansas, regardless of**  
31 **whether the person is or is not a citizen of the United States of**  
32 **America; and (iii) in the case of a person without lawful immigra-**  
33 **tion status, has filed with the postsecondary educational institution**  
34 **an affidavit stating that the person or the person’s parents have**  
35 **filed an application to legalize such person’s immigration status,**  
36 **or such person will file such an application as soon as such person**  
37 **is eligible to do so or, in the case of a person with a legal, nonper-**  
38 **manent immigration status, has filed with the postsecondary edu-**  
39 **catational institution an affidavit stating that such person has filed**  
40 **an application to begin the process for citizenship of the United**  
41 **States or will file such application as soon as such person is eligible**  
42 **to do so: *Provided further*, That the provisions of this subsection**  
43 **shall not apply to any individual who: (a) Has a valid student visa;**

1 or (b) at the time of enrollment, is eligible to enroll in a public  
2 postsecondary educational institution located in another state  
3 upon payment of fees and tuition required of residents of such  
4 state: *And provided further*, That any individual who: (a) Files an  
5 affidavit which contains false information; (b) fails to file an appli-  
6 cation to legalize such person’s immigration status within one year  
7 of becoming eligible; (c) fails to begin the process for citizenship  
8 within one year of becoming eligible; or (d) fails to maintain an  
9 active application for citizenship after filing therefor shall not be  
10 deemed a resident of the state of Kansas for the purpose of tuition  
11 and fees: *And provided further*, That in addition, such individual  
12 shall be required to repay the difference between the amount of  
13 fees and tuition actually paid and the amount such person would  
14 have paid as a nonresident of the state of Kansas, plus interest at  
15 a rate not to exceed the maximum under K.S.A. 16-201, and  
16 amendments thereto, for the time such individual was enrolled as  
17 a resident pursuant to this subsection.]

18 Sec. 13.

19 ATTORNEY GENERAL

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

22	Operating expenditures	
23	For the fiscal year ending June 30, 2004.....	\$60,525
24	For the fiscal year ending June 30, 2005.....	\$200,000

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

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

33 Sec. 14.

34 DEPARTMENT OF EDUCATION

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

37	General state aid	
38	For the fiscal year ending June 30, 2004.....	\$71,000
39	For the fiscal year ending June 30, 2005.....	\$1,890,000

40	Supplemental general state aid	
41	For the fiscal year ending June 30, 2005.....	\$8,370,000

42 (b) On July 1, 2004, of the \$9,181,977 appropriated for the above  
43 agency for the fiscal year ending June 30, 2005, by section 105(a) of 2004

1 House Bill No. 2675 from the state general fund in the operating ex-  
2 penditures (including official hospitality) account, the sum of \$11,700 is  
3 hereby lapsed.

4 (c) On the effective date of this act, of the \$155,956,000 appropriated  
5 for the above agency for the fiscal year ending June 30, 2004, by section  
6 52(a) of chapter 138 of the 2003 Session Laws of Kansas from the state  
7 general fund in the supplemental general state aid account, the sum of  
8 \$142,000 is hereby lapsed.

9 (d) On the effective date of this act, of the \$138,940,758 appropriated  
10 for the above agency for the fiscal year ending June 30, 2004, by section  
11 52(a) of chapter 138 of the 2003 Session Laws of Kansas from the state  
12 general fund in the KPERS employer contributions account, the sum of  
13 \$847,191 is hereby lapsed.

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

19 Helping schools license plate program fund  
20 For the fiscal year ending June 30, 2005..... No limit  
21 Sec. 15.

22 KANSAS STATE SCHOOL FOR THE BLIND

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

25 Operating expenditures  
26 For the fiscal year ending June 30, 2005..... \$40,604

27 *Provided*, That expenditures shall be made by the Kansas state school for  
28 the blind from the operating expenditures account to provide salary in-  
29 creases for fiscal year 2005 for teachers at the Kansas state school for the  
30 blind.

31 Sec. 16.

32 KANSAS STATE SCHOOL FOR THE DEAF

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

35 Operating expenditures  
36 For the fiscal year ending June 30, 2005..... \$105,556

37 *Provided*, That expenditures shall be made by the Kansas state school for  
38 the deaf from the operating expenditures account to provide salary in-  
39 creases for fiscal year 2005 for teachers at the Kansas state school for the  
40 deaf.

41 Sec. 17.

42 SECRETARY OF STATE

43 (a) There is appropriated for the above agency from the state general

1 fund for the fiscal year or years specified, the following:

2 HAVA match

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

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

5 (b) During the fiscal year ending June 30, 2005, all expenditures by  
6 the secretary of state from the democracy fund shall be to provide match-  
7 ing funds to implement title II of the federal help America vote act of  
8 2002, public law 107252, as prescribed under such act.

9 (c) In addition to the other purposes for which expenditures may be  
10 made by the secretary of state from moneys appropriated for the secretary  
11 of state from the state general fund or any special revenue fund for fiscal  
12 year 2005 as authorized by this or any other appropriation act of the 2004  
13 regular session of the legislature, expenditures may be made by the sec-  
14 retary of state to fix, charge and collect a fee from each county in the  
15 state to provide part of the matching moneys required for the implemen-  
16 tation of title II of the federal help America vote act of 2002, public law  
17 107252: *Provided*, That such fee shall be fixed for each county in an  
18 amount proportional to the voting age population of the county as pre-  
19 scribed by the 2000 decennial census, except that such fee shall be not  
20 less than \$500 for any county: *Provided further*, That such fees shall be  
21 fixed to provide an aggregate amount of not to exceed the amount equal  
22 to 2% of the sum of (1) the aggregate amount of federal moneys for title  
23 II of the federal help America vote act of 2002, public law 107252, plus  
24 (2) all state matching funds: *And provided further*, That all moneys re-  
25 ceived from such fees shall be deposited in the state treasury and credited  
26 to the democracy fund: *And provided further*, That all such fees imposed  
27 on such counties shall be remitted to the secretary of state on or before  
28 January 15, 2005.

29 (d) During the fiscal year ending June 30, 2005, notwithstanding the  
30 provisions of this or any other appropriation act of the 2004 session of  
31 the legislature, no expenditures shall be made by the secretary of state  
32 for payment of any moneys appropriated in the HAVA federal fund to  
33 any county that has not remitted the fee to be paid by such county to  
34 provide part of the matching moneys required for the implementation of  
35 title II of the federal help America vote act of 2002, public law 107252,  
36 pursuant to subsection (c).

37 (e) In addition to the other purposes for which expenditures may be  
38 made by the secretary of state from moneys appropriated in the operating  
39 expenditures account of the state general fund for fiscal year 2005 as  
40 authorized by this or any other appropriation act of the 2004 regular  
41 session of the legislature, expenditures may be made by the secretary of  
42 state from moneys appropriated in the operating expenditures account of  
43 the state general fund for fiscal year 2005 to provide part of the state

1 matching requirement for the implementation of title II of the federal  
2 help America vote act of 2002, public law 107252.

3 (f) During the fiscal year ending June 30, 2005, notwithstanding the  
4 provisions of K.S.A. 45-107 or 77-430 and amendments thereto, or any  
5 other statute, or the provisions of this or any other appropriation act of  
6 the 2004 session of the legislature, all moneys received from the sale of  
7 copies of the Session Laws of Kansas and copies of the Kansas adminis-  
8 trative regulations shall be deposited in the state treasury to the credit of  
9 the information and services fee fund of the secretary of state.

10 (g) In addition to the other purposes for which expenditures may be  
11 made by the secretary of state from moneys appropriated for the secretary  
12 of state from the state general fund or any special revenue fund for fiscal  
13 year 2005 as authorized by this or any other appropriation act of the 2004  
14 regular session of the legislature, expenditures may be made by the sec-  
15 retary of state to fix, charge and collect fees from the legislature for the  
16 costs incurred to print and distribute the copies of the Session Laws of  
17 Kansas and copies of the Kansas administrative regulations that are dis-  
18 tributed free of charge to the public officials, agencies and other receiving  
19 persons and entities in accordance with K.S.A. 45-106 and 77-430 and  
20 amendments thereto: *Provided*, That such fee shall be fixed by the sec-  
21 retary of state to recover all of such costs: *Provided further*, That such  
22 fees shall be paid by the legislature from moneys appropriated for fiscal  
23 year 2005 in the operations (including official hospitality) account of the  
24 state general fund or the legislative special revenue fund: *And provided*  
25 *further*, That all moneys received from such fees shall be credited to the  
26 information and services fee fund of the secretary of state.

27 **[(h) On and after the effective date of this act, no moneys ap-**  
28 **propriated from the state general fund or from any special revenue**  
29 **fund for the above agency for the fiscal years ending June 30, 2004,**  
30 **or June 30, 2005, by this act or any other appropriations act of the**  
31 **2003 or 2004 regular sessions of the legislature, shall be expended**  
32 **by the above agency for the closure of any polling place in this**  
33 **state unless prior to such closing permission to make such closure**  
34 **has been obtained by the county election officer and the secretary**  
35 **of state from the board of county commissioners of the county in**  
36 **which such polling place is located: *Provided*, That the secretary of**  
37 **state shall submit a report to the legislative budget committee on**  
38 **July 15, 2004, for the state primary election and on October 15,**  
39 **2004, for the state general election listing the polling places and**  
40 **locations thereof closed for the July 15, 2004, report subsequent**  
41 **to January 1, 2004, and for the October 15, 2004, report subse-**  
42 **quent to July 15, 2004, and the reasons for such closure.]**

43



1     Sec. 18.

2                             STATE CORPORATION COMMISSION

3     (a) On July 1, 2004, the amount of \$40,000 authorized by section 86(e)  
4 of 2004 House Bill No. 2675 to be transferred by the director of accounts  
5 and reports from the facilities conservation improvement fund of the de-  
6 partment of administration to the facility conservation improvement pro-  
7 gram fund of the state corporation commission, is hereby changed to any  
8 unencumbered balance as of July 1, 2004, in the facilities conservation  
9 improvement fund of the department of administration.

10    **[(b) In addition to the other purposes for which expenditures**  
11 **may be made by the state corporation commission from the mon-**  
12 **eys appropriated from the state general fund or from any special**  
13 **revenue fund for the fiscal year ending June 30, 2005, as author-**  
14 **ized by chapter 138 or 160 of the 2003 Session Laws of Kansas or**  
15 **by this or other appropriation act of the 2004 regular session of**  
16 **the legislature, expenditures shall be made by the state corpora-**  
17 **tion commission from moneys appropriated from the state general**  
18 **fund or from any special revenue fund for fiscal year 2005, not-**  
19 **withstanding the provisions of any other statute to the contrary, to**  
20 **provide that, ground water well drilling rigs, as defined by 49**  
21 **C.F.R. 395.2, are hereby exempt under the provisions of K.S.A. 66-**  
22 **1,109, and amendments thereto.]**

23     Sec. 19.

24                             INSURANCE DEPARTMENT

25     (a) On the effective date of this act, or as soon thereafter as moneys  
26 are available, notwithstanding the provisions of K.S.A. 40-112 and amend-  
27 ments thereto or of any other statute, the director of accounts and reports  
28 shall transfer \$150,000 from the insurance department service regulation  
29 fund to the state general fund: *Provided*, That the transfer of such amount  
30 shall be in addition to any other transfer from the insurance department  
31 service regulation fund to the state general fund as prescribed by law:  
32 *Provided further*, That the amount transferred from the insurance de-  
33 partment service regulation fund to the state general fund pursuant to  
34 this subsection is to reimburse the state general fund for accounting,  
35 auditing, budgeting, legal, payroll, personnel and purchasing services and  
36 any other governmental services which are performed on behalf of the  
37 insurance department by other state agencies which receive appropria-  
38 tions from the state general fund to provide such services.

39     (b) On July 1, 2004, or as soon thereafter as moneys are available,  
40 notwithstanding the provisions of K.S.A. 40-112 and amendments thereto  
41 or of any other statute, the director of accounts and reports shall transfer  
42 \$80,000 from the insurance department service regulation fund to the  
43 state general fund: *Provided*, That the transfer of such amount shall be

1 in addition to any other transfer from the insurance department service  
2 regulation fund to the state general fund as prescribed by law: *Provided*  
3 *further*, That the amount transferred from the insurance department  
4 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  
5  
6  
7  
8 department by other state agencies which receive appropriations from  
9 the state general fund to provide such services.

10 Sec. 20.

11 STATE BOARD OF HEALING ARTS

12 (a) On July 1, 2004, the expenditure limitation established for the fiscal  
13 year ending June 30, 2005, by section 16(a) of 2004 House Bill No. 2675  
14 on the healing arts fee fund is hereby increased from \$2,378,523 to  
15 \$2,425,211.

16 Sec. 21.

17 KANSAS DENTAL BOARD

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

22 (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.

26 Sec. 22.

27 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

30 Vocational rehabilitation aid and assistance	
31 For the fiscal year ending June 30, 2005.....	\$550,000
32 Community based services	
33 For the fiscal year ending June 30, 2004.....	\$742,000
34 For the fiscal year ending June 30, 2005.....	\$342,000
35 Youth services aid and assistance	
36 For the fiscal year ending June 30, 2004.....	\$10,000,000
37 Cash assistance	
38 For the fiscal year ending June 30, 2004.....	\$482,897
39 For the fiscal year ending June 30, 2005.....	\$300,000
40 Larned state hospital — operating expenditures	
41 For the fiscal year ending June 30, 2004.....	\$1,306
42 For the fiscal year ending June 30, 2005.....	\$21,994

43

1	Larned state hospital — sexual predator treatment program	
2	For the fiscal year ending June 30, 2005.....	\$2,724,691
3	Parsons state hospital and training center — operating expenditures	
4	For the fiscal year ending June 30, 2004.....	\$2,448
5	For the fiscal year ending June 30, 2005.....	\$8,013
6	Other medical assistance	
7	For the fiscal year ending June 30, 2004.....	\$3,513,530
8	For the fiscal year ending June 30, 2005.....	\$2,000,000
9	Childrens health insurance	
10	For the fiscal year ending June 30, 2004.....	\$2,000,000
11	For the fiscal year ending June 30, 2005.....	\$2,000,000
12	(b) On July 1, 2004, of the \$70,758,231 appropriated for the above	
13	agency for the fiscal year ending June 30, 2005, by section 101(a) of 2004	
14	House Bill No. 2675 from the state general fund in the youth services aid	
15	and assistance account, the sum of \$9,929,800 is hereby lapsed: <i>Provided,</i>	
16	That no expenditures shall be made from the youth services aid and as-	
17	sistance account to withhold payments from non-renewed providers until	
18	the new child welfare contracts have been let and the written transition	
19	plan has been approved by the state finance council acting on this matter	
20	which is hereby characterized as a matter of legislative delegation and	
21	subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c	
22	and amendments thereto.	
23	(c) On the effective date of this act, the expenditure limitation estab-	
24	lished for the fiscal year ending June 30, 2004, by section 44(f) of 2004	
25	House Bill No. 2675 on the social welfare fund is hereby increased from	
26	\$64,981,386 to \$84,281,386.	
27	(d) On the effective date of this act, the \$2,000,000 appropriated for	
28	the above agency for the fiscal year ending June 30, 2004, by section 50(c)	
29	of chapter 138 of the 2003 Session Laws of Kansas from the childrens	
30	initiatives fund in the HealthWave account, is hereby lapsed.	
31	(e) On the effective date of this act, of the \$3,000,000 appropriated for	
32	the above agency for the fiscal year ending June 30, 2004, by section 50(c)	
33	of chapter 138 of the 2003 Session Laws of Kansas from the childrens	
34	initiatives fund in the medicaid account, the sum of \$2,536,252 is hereby	
35	lapsed.	
36	(f) On the effective date of this act, of the \$1,960,000 appropriated for	
37	the above agency for the fiscal year ending June 30, 2004, by section 44(a)	
38	of 2004 House Bill No. 2675 from the state general fund in the Larned	
39	state hospital sexual predator treatment program account, the sum of	
40	\$750,000 is hereby lapsed.	
41	(g) On July 1, 2004, of the \$3,000,000 appropriated for the above	
42	agency for the fiscal year ending June 30, 2005, by section 101(c) of 2004	
43	House Bill No. 2675 from the childrens initiatives fund in the medicaid	

1 account, the sum of \$2,000,000 is hereby lapsed.

2 (h) On July 1, 2004, the \$2,000,000 appropriated for the above agency  
3 for the fiscal year ending June 30, 2005, by section 101(c) of 2004 House  
4 Bill No. 2675 from the childrens initiatives fund in the healthwave ac-  
5 count, is hereby lapsed.

6 (i) On July 1, 2004, the amount of \$500,000 authorized by section  
7 103(a) of 2004 House Bill No. 2675 to be transferred by the director of  
8 accounts and reports from the childrens initiatives fund to the state gen-  
9 eral fund is hereby increased to \$1,050,000.

10 (j) There is appropriated for the above agency from the state institu-  
11 tions building fund for the fiscal year or years specified, for the capital  
12 improvement project or projects specified as follows:

13 Rehabilitation and repair projects

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

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

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

28 Health care access improvement fund

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

30 (l) On the effective date of this act, or as soon thereafter as moneys are  
31 available, notwithstanding the provisions of K.S.A. 38-2102 and amend-  
32 ments thereto or of any other statute, the director of accounts and reports  
33 shall transfer \$3,536,252 from the childrens initiatives fund to the Kansas  
34 endowment for youth fund.

35 (m) The director of accounts and reports shall not make the transfer  
36 of \$3,857,460 from the Kansas endowment for youth fund to the childrens  
37 initiatives fund which was directed to be made on July 1, 2004, or as soon  
38 thereafter as moneys were available, by section 84(f) of 2004 House Bill  
39 No. 2675.

40 (n) On July 1, 2004, notwithstanding the provisions of K.S.A. 38-2102  
41 and amendments thereto or of any other statute, the amount directed by  
42 subsection (c)(4) of K.S.A. 38-2102 and amendments thereto to be trans-  
43 ferred by the director of accounts and reports from the Kansas endow-

1 ment for youth fund to the childrens initiatives fund shall not exceed  
2 \$47,135,585.

3 **[(o) During the fiscal years ending June 30, 2004, and June 30,**  
4 **2005, notwithstanding the provisions of any other statute, no ex-**  
5 **penditures shall be made by the department of social and reha-**  
6 **ilitation services from any moneys appropriated from the state**  
7 **general fund or from any special revenue fund for fiscal year 2004**  
8 **or fiscal year 2005 to make any contract for the customer service**  
9 **program relating to the electronic benefit transfer portion of the**  
10 **food stamp vision card program with any contractor or vendor who**  
11 **performs, or subcontracts or otherwise procures the services or**  
12 **work contracted for, at a location outside of the United States of**  
13 **America: *Provided*, That each contractor or vendor submitting a**  
14 **bid to contract to provide services or work for the department of**  
15 **social and rehabilitation services shall certify that the services or**  
16 **work covered by the bid or contract will be performed at a location**  
17 **in the United States: *Provided further*, That no expenditures shall**  
18 **be made under any such contract upon a finding that the contrac-**  
19 **tor or vendor, or any subcontractor thereof, during the term of**  
20 **the contract shifts services or work on any such contract to a lo-**  
21 **cation outside of the United States of America and the contract**  
22 **shall be terminated for noncompliance: *And provided further*, That**  
23 **any such contract shall contain a provision which allows for the**  
24 **employment of qualified TAF recipients to provide services under**  
25 **such contract.]**

26 **[(p) In addition to the other purposes for which expenditures**  
27 **may be made by the department of social and rehabilitation serv-**  
28 **ices from the moneys appropriated from the state general fund or**  
29 **from any special revenue fund for fiscal year 2005 as authorized**  
30 **by this or other appropriation act of the 2004 regular session of**  
31 **the legislature, expenditures shall be made by the department of**  
32 **social and rehabilitation services from moneys appropriated from**  
33 **the state general fund or from any special revenue fund for fiscal**  
34 **year 2005 to shall pay for medically necessary organ transplant**  
35 **services for any recipient under the state medicaid program who**  
36 **has progressive lung disease that developed before the recipient**  
37 **was 21 years of age: *Provided*, That, as used in this subsection,**  
38 **“Medically necessary” means any goods, services, item, facility or**  
39 **accommodation that a reasonable and prudent health care pro-**  
40 **vider under similar circumstances would believe is appropriate for**  
41 **treating the recipient’s condition.]**

42  
43

1     Sec. 23.

2             DEPARTMENT OF HEALTH AND ENVIRONMENT  
3                     DIVISION OF HEALTH

4     (a) There is appropriated for the above agency from the childrens in-  
5     itiative fund for the fiscal year ending June 30, 2005, the following:

6     Pregnancy maintenance initiative.....     \$500,000

7     *Provided*, That the secretary of health and environment is hereby au-  
8     thorized and directed to contract with the same not-for-profit organiza-  
9     tions that the secretary entered into contracts with pursuant to section  
10    47(l) of chapter 138 of the 2003 Session Laws of Kansas for fiscal year  
11    2004: *Provided further*, That such contracted services may include an  
12    array of social services relating to pregnancy maintenance, including  
13    smoking cessation, and that no individuals who are unable to pay shall be  
14    denied the delivery or provision of pregnancy maintenance services: *And*  
15    *provided further*, That no contract or contracts under pregnancy main-  
16    tenance programs shall be entered into with any group performing, pro-  
17    moting, referring for or educating in favor of abortion: *And provided*  
18    *further*, That a not-for-profit organization awarded a contract under this  
19    proviso shall match state moneys under this contract on the basis of a  
20    50% match from a not-for-profit organization and a 50% match from the  
21    department of health and environment: *And provided further*, That the  
22    secretary of health and environment shall submit a report to the legisla-  
23    ture at the beginning of the regular session of the legislature in 2005 on  
24    the results and outcomes of such pregnancy maintenance programs: *And*  
25    *provided further*, That no part of the grant moneys shall be used for any  
26    political purposes.

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

32    Lead-based paint hazard fee fund

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

34    Census of traumatic occupational fatalities — federal fund

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

36    (c) In addition to the other purposes for which expenditures may be  
37    made by the department of health and environment from the moneys  
38    appropriated from the state general fund or from any special revenue  
39    fund for the fiscal year ending June 30, 2005, as authorized by chapter  
40    138 or 160 of the 2003 Session Laws of Kansas, by 2004 House Bill No.  
41    2675, or by this or other appropriation act of the 2004 regular session of  
42    the legislature, expenditures may be made by the department of health  
43    and environment from moneys appropriated from the state general fund

1 or from any special revenue fund for fiscal year 2005, notwithstanding  
2 the provisions of section 98(m) of 2004 House Bill No. 2675 or any other  
3 provision of any other appropriation act of the 2004 regular session of the  
4 legislature for fiscal year 2005, for the following purposes related to li-  
5 censure requirements:

6 (1) Facilities, programs or services operated by a school on school prop-  
7 erty for children five years and older before and after the customary  
8 school day during the regular school term;

9 (2) non-residential programs or services designated for mental health  
10 treatment of children and adolescents provided by a community mental  
11 health center licensed pursuant to K.S.A.75-3307b, and amendments  
12 thereto;

13 (3) drop-in recreation programs that are for children five years and  
14 older provided by a municipality, the salvation army, the boys and girls  
15 club of America where the children are free to come and go from the  
16 premises without being escorted by a parent or responsible person and  
17 short- term educational programs or classes for children in which the  
18 supervision and care of the children are incidental to their participation  
19 in the activity or training in specific subjects including, but not limited  
20 to, music, dance and religion, and the program provider does not assume  
21 responsibility for the provision of daily child care outside the scheduled  
22 program; and

23 (4) day camping or recreation programs for children five years and  
24 older which have as the primary emphasis outdoor education and recre-  
25 ation and are operated between school terms for no more than seven  
26 hours per day or which are accredited by the American camping associ-  
27 ation or other national standard-setting agency or church camp accredi-  
28 tation programs which must provide standards equivalent to the American  
29 camping association standards: *Provided*, That the prohibition contained  
30 in section 98(m) of 2004 House Bill No. 2675 on expenditures for such  
31 purposes is hereby rescinded and, on the effective date of this act, the  
32 provisions of section 98(m) of 2004 House Bill No. 2675 are hereby de-  
33 clared to be null and void and shall have no force and effect.

34 (d) On October 1, 2004, the position limitation established by section  
35 137(a) of 2004 House Bill No. 2675 for the department of health and  
36 environment division of health is hereby decreased from 409.0 to 403.0.  
37 Sec. 24.

38 DEPARTMENT OF HEALTH AND ENVIRONMENT—  
39 DIVISION OF ENVIRONMENT

40 (a) There is appropriated for the above agency from the following spe-  
41 cial revenue fund or funds for the fiscal year or years specified, all moneys  
42 now or hereafter lawfully credited to and available in such fund or funds,  
43 except that expenditures other than refunds authorized by law shall not

1 exceed the following:  
2 Environmental response remedial activity specific site — lead site federal  
3 fund  
4 For the fiscal year ending June 30, 2005..... No limit  
5 Emergency environmental response — nonspecific sites federal fund  
6 For the fiscal year ending June 30, 2005..... No limit  
7 Chemical control fund  
8 For the fiscal year ending June 30, 2005..... No limit  
9 Medicare fund — federal — environment fund  
10 For the fiscal year ending June 30, 2005..... No limit  
11 Federal EPA 106 water pollution control fund  
12 For the fiscal year ending June 30, 2005..... No limit  
13 Salt mining well plugging fund  
14 For the fiscal year ending June 30, 2005..... No limit  
15 Sec. 25.

16 DEPARTMENT OF COMMERCE

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

19 Senior community service employment program  
20 For the fiscal year ending June 30, 2005..... \$4,444  
21 Kansas commission on disability concerns  
22 For the fiscal year ending June 30, 2005..... \$232,906  
23 Athletic commission operations  
24 For the fiscal year ending June 30, 2005..... \$58,408

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

28 Operating grant (including official hospitality)  
29 For the fiscal year ending June 30, 2005..... \$15,000  
30 Older Kansans employment program  
31 For the fiscal year ending June 30, 2005..... \$239,430

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

37 Kansas community entrepreneurship fund  
38 For the fiscal year ending June 30, 2005..... No limit  
39 Athletic fee fund  
40 For the fiscal year ending June 30, 2005..... No limit  
41 Wheat harvest program — non-federal fund  
42 For the fiscal year ending June 30, 2005..... No limit



1	Adult program — WIA — federal fund	
2	For the fiscal year ending June 30, 2005.....	No limit
3	Youth program — WIA — federal fund	
4	For the fiscal year ending June 30, 2005.....	No limit
5	Dislocated worker — WIA — federal fund	
6	For the fiscal year ending June 30, 2005.....	No limit
7	Trade adjustment assistance — federal fund	
8	For the fiscal year ending June 30, 2005.....	No limit
9	Workforce opportunity tax credit — federal fund	
10	For the fiscal year ending June 30, 2005.....	No limit
11	Alien labor certification — federal fund	
12	For the fiscal year ending June 30, 2005.....	No limit
13	Local veterans employment representative — federal fund	
14	For the fiscal year ending June 30, 2005.....	No limit
15	Disabled veterans outreach program — federal fund	
16	For the fiscal year ending June 30, 2005.....	No limit
17	Wagner Peyser — federal fund	
18	For the fiscal year ending June 30, 2005.....	No limit
19	Re-employment services — federal fund	
20	For the fiscal year ending June 30, 2005.....	No limit
21	Senior community service employment program — federal fund	
22	For the fiscal year ending June 30, 2005.....	No limit
23	Indirect cost fund	
24	For the fiscal year ending June 30, 2005.....	No limit
25	Kansas commission on disability concerns operating fund	
26	For the fiscal year ending June 30, 2005.....	No limit
27	Kansas commission on disability concerns — donations fund	
28	For the fiscal year ending June 30, 2005.....	No limit
29	Kansas commission on disability concerns — private grant fund	
30	For the fiscal year ending June 30, 2005.....	No limit
31	Apprenticeship — federal fund	
32	For the fiscal year ending June 30, 2005.....	No limit
33	(d) On July 1, 2004, the position limitation established for the fiscal	
34	year ending June 30,2005, by section 137(a) of 2004 House Bill No. 2675	
35	for the department of commerce is hereby increased from 108.5 to 390.1.	
36	(e) On July 1, 2004, or as soon thereafter as moneys are available during	
37	the fiscal year ending June 30, 2005, the director of accounts and reports,	
38	in accordance with one or more certifications, jointly-issued by the sec-	
39	retary of commerce, secretary of labor and the director of the budget to	
40	the director of accounts and reports, shall transfer one or more amounts	
41	from the division of employment and training funds and accounts of the	
42	department of labor to the appropriate workforce development funds and	
43	accounts of the department of commerce for the purposes of imple-	

1 menting Executive Reorganization Order No. 31: *Provided*, That, at the  
2 same time that each such joint certification is made to the director of  
3 accounts and reports under this subsection, the director of the budget  
4 shall deliver a copy of such certification to the director of the legislative  
5 research department.

6 Sec. 26.

7 STATE FIRE MARSHAL

8 (a) On July 1, 2004, the position limitation established for the fiscal  
9 year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675  
10 for the state fire marshal is hereby increased from 49.0 to 51.5.

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

16 State fire marshal liquified petroleum gas fee fund  
17 For the fiscal year ending June 30, 2005..... \$160,000

18 Sec. 27.

19 KANSAS LOTTERY

20 (a) In addition to the aggregate total of not less than \$62,773,000 that  
21 shall be transferred from the lottery operating fund to the state gaming  
22 revenues fund during fiscal year 2004 as prescribed by section 43(c) of  
23 chapter 138 of the 2003 Session Laws of Kansas, an additional amount of  
24 not less than \$5,800,000 shall be transferred from the lottery operating  
25 fund to the state gaming revenues fund during the fiscal year ending June  
26 30, 2004, for a new aggregate amount of not less than \$68,573,000 to be  
27 transferred from the lottery operating fund to the state gaming revenues  
28 fund for fiscal year 2004 in monthly transfers concluding on or before  
29 July 15, 2004.

30 (b) The director of accounts and reports shall not make the transfer of  
31 \$2,000,000 from the lottery operating fund of the Kansas lottery to the  
32 state economic development initiatives fund which was directed to be  
33 made before July 15, 2004, whenever sufficient funds are available as  
34 certified by the executive director of the Kansas lottery, by section 69(a)  
35 of 2004 House Bill No. 2675 and, on the effective date of this act, the  
36 provisions of section 69(a) of 2004 House Bill No. 2675 are hereby de-  
37 clared to be null and void and shall have no force and effect.

38 Sec. 28.

39 DEPARTMENT OF REVENUE

40 (a) There is appropriated for the above agency from the following spe-  
41 cial revenue fund or funds for the fiscal year or years specified, all moneys  
42 now or hereafter lawfully credited to and available in such fund or funds,  
43 except that expenditures other than refunds authorized by law shall not

1 exceed the following:  
2 Distinctive license plate fund  
3 For the fiscal year ending June 30, 2005..... No limit  
4 Sec. 29.

5 DEPARTMENT OF WILDLIFE AND PARKS

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

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

17 Provided, That expenditures may be made from the Tuttle Creek state  
18 park mitigation project fund for a capital improvement project to con-  
19 struct a new access road and campground at the Tuttle Creek state park:  
20 *Provided however*, That all moneys received during fiscal year 2005 from  
21 the federal government for reimbursement of state expenses for this pro-  
22 ject in mitigation of damage to the Tuttle Creek state park in the area of  
23 the access road and campground during the U. S. Army Corps of Engi-  
24 neers project to repair Tuttle Creek dam shall be deposited in the state  
25 treasury to the credit of the Tuttle Creek state park mitigation project  
26 fund: *Provided further*, That all moneys received under the loan from the  
27 pooled money investment board pursuant to subsection (d) of section 60  
28 of 2004 House Bill No. 2675 shall be deposited in the state treasury to  
29 the credit of the Tuttle Creek state park mitigation project fund: *And*  
30 *provided further*, That such loan shall be repaid from moneys available  
31 therefor in this fund or from other moneys appropriated for the depart-  
32 ment of wildlife and parks and available therefor: *And provided further*,  
33 That all expenditures from this fund during fiscal year 2005 for repayment  
34 of such loan shall be in addition to any expenditure limitation imposed  
35 on this fund for fiscal year 2005.

36 (b) On July 1, 2004, the expenditure limitation established for the fiscal  
37 year ending June 30, 2005, by section 135(b) of 2004 House Bill No. 2675  
38 on the wildlife fee fund is hereby increased from \$16,477,049 to  
39 \$16,597,049.

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

43 (d) On July 1, 2004, the expenditure limitation established for the fiscal

1 year ending June 30, 2005, by section 135(b) of 2004 House Bill No. 2675  
2 on the boating fee fund is hereby increased from \$736,406 to \$776,406.

3 (e) On July 1, 2004, the director of accounts and reports shall transfer  
4 \$42,960 from the state general fund to the wildlife fee fund of the de-  
5 partment of wildlife and parks for the purpose of complying with federal  
6 restrictions on the sale of 24 department of wildlife and parks motor  
7 vehicles purchased with federal funds and sold at the state vehicle auction.

8 (f) On July 1, 2004, the \$100,000 appropriated for the above agency  
9 from the parks fee fund for the fiscal year ending June 30, 2005, by section  
10 166(n) of 2004 House Bill No. 2675 in the Menninger memorial state  
11 park account is hereby lapsed.

12 (g) In addition to the other purposes for which expenditures may be  
13 made by the above agency from the parks fee fund for fiscal year 2005,  
14 expenditures may be made by the above agency from the following capital  
15 improvement account or accounts of the parks fee fund for fiscal year  
16 2005 for the following capital improvement project or projects, subject  
17 to the expenditure limitations prescribed therefor:

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

19 *Provided*, That all expenditures from each such capital improvement ac-  
20 count shall be in addition to any expenditure limitation imposed on the  
21 parks fee fund for fiscal year 2005.

22 (h) On or before June 30, 2005, if the secretary of wildlife and parks  
23 determines that title for the property for state park no. 24 in Shawnee  
24 county has not been conveyed to the department of wildlife and parks  
25 and will not be conveyed before July 1, 2005, then the secretary of wildlife  
26 and parks shall certify that fact to the director of accounts and reports,  
27 and, upon receipt of such certification, the director of accounts and re-  
28 ports shall transfer from the wildlife and parks nonrestricted fund to the  
29 parks fee fund the amount equal to the amount expended from the state  
30 park no. 24 in Shawnee county account of the parks fee fund during fiscal  
31 year 2005 for the purpose of reimbursing the parks fee fund.

32 **[(i) There is appropriated for the above agency from the state  
33 general fund for the fiscal year or years specified, the following:**

34 **[Reimbursement for annual licenses issued to national guard mem-  
35 bers**

36 **[For fiscal year ending June 30, 2005 ..... \$60,000**

37 **[Provided, That the secretary of wildlife and parks shall certify to  
38 the director of accounts and reports on a quarterly basis an amount  
39 to transfer from this account to the wildlife fee fund in order to  
40 reimburse the costs of annual hunting and annual fishing licenses  
41 issued to national guard members.**

42 **[Reimbursement for annual park permits issued to national guard  
43 members**

1     **[For the fiscal year ending June 30, 2005 .....     \$206,000**  
2     **[Provided, That the secretary of wildlife and parks shall certify to**  
3     **the director of accounts and reports on a quarterly basis an amount**  
4     **to transfer from this account to the parks fee fund in order to**  
5     **reimburse the costs of annual park permits issued to national**  
6     **guard members.]**

7     Sec. 30. During the fiscal year ending June 30, 2005, no moneys ap-  
8     propriated from the state general fund or any special revenue fund shall  
9     be expended by any state agency named in chapter 138 or 160 of the  
10    2003 Session Laws of Kansas or in this or other appropriation act of the  
11    2004 regular session of the legislature for the purchase or other acquisi-  
12    tion of any seed, forage or mulch that is not certified by the Kansas  
13    department of agriculture in accordance with a memorandum of under-  
14    standing entered into by the Kansas department of agriculture and the  
15    North American weed management association that such seed, forage or  
16    mulch meets the standards set forth in the North American weed man-  
17    agement forage program: *Provided*, That, in addition to the other pur-  
18    poses for which expenditures may be made by the Kansas department of  
19    agriculture from moneys appropriated by chapter 138 or 160 of the 2003  
20    Session Laws of Kansas or by this or other appropriation act of the 2004  
21    regular session of the legislature from the state general fund or any special  
22    revenue funds for fiscal year 2004 or 2005, expenditures shall be made  
23    by the Kansas department of agriculture to provide for staff members of  
24    the Kansas department of agriculture, who are qualified to certify seed,  
25    forage and mulch to meet any additional or supplemental certification  
26    requirements of state agencies, to assist any such additional or supple-  
27    mental certifications as may be required by any other state agency.

28    Sec. 31.

29                                   DEPARTMENT OF TRANSPORTATION

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

35    Communication system revolving fund

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

37    (b) On July 1, 2004, the position limitation established for the fiscal  
38    year ending June 30, 2005, by section 137(a) of 2004 House Bill No. 2675  
39    for the department of transportation is hereby increased from 3247.5 to  
40    3251.5.

41    (c) On and after the effective date of this act, during the fiscal year  
42    ending June 30, 2004, and during the fiscal year ending June 30, 2005,  
43    no expenditures shall be made from any moneys appropriated to the de-

1 partment of administration or the department of transportation, or any  
2 other state agency, from the state general fund or any special revenue  
3 fund for fiscal year 2004 and fiscal year 2005 by chapter 138 or chapter  
4 160 of the 2003 Session Laws of Kansas, or by this or other appropriation  
5 act of the 2004 regular session of the legislature to implement a policy  
6 that limits the vendors from which the department of transportation may  
7 purchase automotive parts and supplies.

8 Sec. 32.

9 ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

10 (a) On July 1, 2004, the date of June 1, 2005, that is prescribed by  
11 section 127(c) of 2004 House Bill No. 2675 for the transfer authorized  
12 by section 127(c) of 2004 House Bill No. 2675 is hereby changed and  
13 such transfer shall not be made on June 1, 2005, and the director of  
14 accounts and reports shall transfer the amount specified by section 127(c)  
15 of 2004 House Bill No. 2675 from the state general fund to the Kansas  
16 bureau of investigation motor vehicle fund for the purposes of acquiring  
17 and selling motor vehicles for the Kansas bureau of investigation on July  
18 1, 2004.

19 Sec. 33.

20 KANSAS SENTENCING COMMISSION

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

26 Sec. 34.

27 DEPARTMENT OF CORRECTIONS

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

30 Facilities operations

31 For the fiscal year ending June 30, 2004.....	\$45,000
32 Treatment and programs	
33 For the fiscal year ending June 30, 2004.....	\$341,000
34 Bedspace contracts	
35 For the fiscal year ending June 30, 2005.....	\$1,460,000

36 *Provided*, That no expenditures shall be made from the bedspace con-  
37 tracts account of the state general fund during the fiscal year ending June  
38 30, 2005, until the secretary of corrections certifies to the director of  
39 accounts and reports that the aggregate number of all maximum and  
40 medium custody male inmates in the state correctional system has  
41 reached 6,061: *Provided further*, That, at the same time such certification  
42 is made, the secretary of corrections shall deliver a copy of such certifi-  
43 cation to the director of the budget and the director of the legislative

1 research department.

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

9 (c) On the effective date of this act, of the \$32,369,719 appropriated  
10 for the above agency for the fiscal year ending June 30, 2004, by section  
11 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state  
12 general fund in the Lansing correctional facility facilities operations ac-  
13 count, the sum of \$100,000 is hereby lapsed.

14 (d) On the effective date of this act, of the \$13,080,180 appropriated  
15 for the above agency for the fiscal year ending June 30, 2004, by section  
16 68(a) of chapter 138 of the 2003 Session Laws of Kansas from the state  
17 general fund in the central administration operations and parole and post-  
18 release supervision operations account, the sum of \$181,000 is hereby  
19 lapsed.

20 Sec. 35.

21 DEPARTMENT OF LABOR

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

26 (b) On July 1, 2004, the director of accounts and reports shall transfer  
27 all moneys in the advisory committee on Hispanic affairs — donations  
28 fund of the department of labor to the Hispanic and Latino American  
29 affairs commission — donations fund of the governors department. On  
30 July 1, 2004, all liabilities of the advisory committee on Hispanic affairs  
31 — donations fund of the department of labor are hereby transferred to  
32 and imposed on the Hispanic and Latino American affairs commission —  
33 donations fund of the governors department and the advisory committee  
34 on Hispanic affairs — donations fund of the human resources is hereby  
35 abolished.

36 (c) On July 1, 2004, the director of accounts and reports shall transfer  
37 all moneys in the non-federal advisory committee on African-American  
38 affairs donations account of the human resources special projects fund  
39 — federal of the department of labor to the advisory commission on  
40 African-American affairs — donations fund of the governors department.  
41 On July 1, 2004, all liabilities of the non-federal advisory committee on  
42 African-American affairs account of the human resources special projects  
43 fund of the department of labor are hereby transferred to and imposed

1 on the advisory commission on African-American affairs — donations  
2 fund of the governors department and the non-federal advisory commit-  
3 tee on African-American affairs account of the human resources special  
4 projects fund of the department of labor is hereby abolished.

5 (d) There is appropriated for the above agency from the following spe-  
6 cial revenue fund or funds for the fiscal year ending June 30, 2005, all  
7 moneys now or hereafter lawfully credited to and available in such fund  
8 or funds, except that expenditures other than refunds or indirect cost  
9 recoveries authorized by law shall not exceed the following:

10 Remodel department of labor facilities fund

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

12 *Provided*, That the department of labor may make expenditures from the  
13 remodel department of labor facilities fund for the capital improvement  
14 project to improve agency facilities: *Provided, however*, That expendi-  
15 tures from this fund for such capital improvement project, including nec-  
16 essary furniture and equipment, shall not exceed the amount transferred  
17 pursuant to subsection (e) from the complete remodeling of agency head-  
18 quarters fund to the remodel department of labor facilities fund: *Provided*  
19 *further*, That no expenditures shall be made from this fund until the  
20 proposed project has been reviewed by the joint committee on state  
21 building construction.

22 (e) During the fiscal year ending June 30, 2005, upon the release of  
23 each encumbrance of moneys in the complete remodeling of agency  
24 headquarters fund, upon certification by the secretary of labor, the di-  
25 rector of accounts and reports shall transfer the amount equal to the  
26 unexpended balance of each such released encumbrance from the com-  
27 plete remodeling of agency headquarters fund to the remodel department  
28 of labor facilities fund.

29 (f) In addition to the other purposes for which expenditures may be  
30 made by the department of labor from the moneys appropriated from the  
31 state general fund or from any special revenue fund for fiscal year 2005  
32 as authorized by this or other appropriation act of the 2004 regular session  
33 of the legislature, expenditures shall be made by the department of labor  
34 for moneys appropriated from the state general fund or from any special  
35 revenue fund for fiscal year 2005 to provide for the issuance of bonds by  
36 the Kansas development finance authority in accordance with K.S.A. 74-  
37 8905 and amendments thereto to finance grants for an information tech-  
38 nology project to upgrade the unemployment insurance benefit system:  
39 *Provided*, That such information technology project is hereby approved  
40 for the department of labor for the purposes of subsection (b) of K.S.A.  
41 74-8905 and amendments thereto and the authorization of the issuance  
42 of bonds by the Kansas development finance authority in accordance with  
43 that statute: *Provided further*, That no such bonds shall be issued until



1 the department of labor has first advised and consulted on any such pro-  
2 ject with the joint committee on information technology: *And provided,*  
3 *further,* That the amount of the bond proceeds that may be utilized for  
4 any such information technology project shall be subject to approval by  
5 the state finance council acting on this matter which is hereby character-  
6 ized as a matter of legislative delegation and subject to the guidelines  
7 prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto,  
8 except that such approval also may be given while the legislature is in  
9 session: *And provided, further,* That the department of labor may make  
10 expenditures from the moneys received for the issuance of any such bonds  
11 for such information technology project: *Provided, however,* That ex-  
12 penditures from the moneys received from the issuance of any such bonds  
13 for such information technology project shall not exceed \$21,000,000 plus  
14 all amounts required for costs of bond issuance, costs of interest on the  
15 bonds issued for such information technology projects during the imple-  
16 mentation of such projects and any required reserves for the payment of  
17 principal and interest on the bonds: *And provided further,* That all mon-  
18 eys received from the issuance of any such bonds shall be deposited and  
19 accounted for as prescribed by applicable bond covenants: *And provided*  
20 *further,* That debt service for any such bonds for such information tech-  
21 nology projects shall be financed by appropriations from the state general  
22 fund or any appropriate special revenue fund or funds, including federal  
23 Reed act funds as made available to the state pursuant to section 903(d)  
24 of the federal social security act.

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

28 (h) On July 1, 2004, or as soon thereafter as moneys are available during  
29 the fiscal year ending June 30, 2005, the director of accounts and reports,  
30 in accordance with one or more certifications, jointly-issued by the sec-  
31 retary of commerce, secretary of labor and the director of the budget to  
32 the director of accounts and reports, shall transfer one or more amounts  
33 from the workforce development funds and accounts of the department  
34 of commerce to the appropriate division of employment and training  
35 funds and accounts of the department of labor for the purposes of im-  
36 plementing Executive Reorganization Order No. 31: *Provided,* That, at  
37 the same time that each such joint certification is made to the director  
38 of accounts and reports under this subsection, the director of the budget  
39 shall deliver a copy of such certification to the director of the legislative  
40 research department.

41 Sec. 36.

42 REAL ESTATE APPRAISAL BOARD

43 (a) On July 1, 2004, the expenditure limitation established for the fiscal

1 year ending June 30, 2005, by section 25(a) of 2004 House Bill No. 2675  
2 on the appraiser fee fund is hereby increased from \$244,226 to \$245,430.  
3 Sec. 37.

4 KANSAS REAL ESTATE COMMISSION

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

8 [Sec. 38.

9 [ADJUTANT GENERAL

10 [(a) There is appropriated from the above agency from the follow-  
11 ing special revenue fund or funds for the fiscal year or years spec-  
12 ified, all moneys now or hereafter lawfully credited to and avail-  
13 able in such fund or funds, except that expenditures shall not  
14 exceed the following:

15 [Kansas military emergency relief fund

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

17 [Provided, That expenditures may be made from the Kansas mili-  
18 tary emergency relief fund for grants and interest—free loans,  
19 which are hereby authorized to be entered into by the adjutant  
20 general with repayment provisions and other terms and conditions  
21 including eligibility as may be prescribed by the adjutant general  
22 therefor, to members and families of the Kansas army and air na-  
23 tional guard and army reserve members during the period pre-  
24 ceding, during and after mobilization to provide assistance to eli-  
25 gible family members experiencing financial emergencies:  
26 *Provided, That such assistance may include, but shall not be limited*  
27 *to, medical, funeral, emergency travel, rent, utilities, child care,*  
28 *food expenses and other unanticipated emergencies.*

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

32 [Sec. 39. (a) In addition to the other purposes for which expend-  
33 itures may be made by each state agency making expenditures for  
34 one or more capital improvement projects, from the moneys ap-  
35 propriated from the state general fund or from any special revenue  
36 fund for the fiscal year ending June 30, 2005, as authorized by  
37 chapter 138 or 160 of the 2003 Session Laws of Kansas or by this  
38 or other appropriation act of the 2004 regular session of the leg-  
39 islature, expenditures shall be made by each such state agency  
40 from moneys appropriated from the state general fund or from  
41 any special revenue fund for fiscal year 2005, notwithstanding the  
42 provisions of any other statute to the contrary, to provide that, at  
43 least 75% of persons employed by contractors performing all or

1 part of the work for each such capital improvement project shall  
2 be Kansas residents.]

3 [Sec. 40.

4 [WICHITA STATE UNIVERSITY

5 [(a) There is appropriated for the above agency from the follow-  
6 ing special revenue fund or funds for the fiscal year ending June  
7 30, 2005, all moneys now or hereafter lawfully credited to and  
8 available in such fund or funds, the following:

9 [Wheatshocker football program donations fund... No limit]

10 [Sec. 41.

11 [KANSAS PUBLIC EMPLOYEES RETIREMENT

12 [SYSTEM (KPERS)

13 [(a) There is appropriated for the above agency from the follow-  
14 ing special revenue fund or funds for the fiscal year ending June  
15 30, 2005, all moneys now or hereafter lawfully credited to and  
16 available in such fund or funds, except that expenditures other  
17 than refunds or indirect cost recoveries authorized by law shall not  
18 exceed the following:

19 [KDFA series 2003H bond debt service fund ..... No limit

20 [Provided, That notwithstanding the provisions of K.S.A. 74-4921,  
21 et seq., and amendments thereto, any employer contributions re-  
22 mitted in accordance with the provisions of K.S.A. 20-2605, and  
23 amendments thereto, K.S.A. 74-4920, and amendments thereto,  
24 K.S.A. 74-4939 and amendments thereto, and K.S.A. 74-4967 and  
25 amendments thereto, for the purpose of paying the actuarial cost  
26 of the provisions of K.S.A. 74-49-109 et seq and amendments  
27 thereto shall be deposited in the KDFA series 2003H bond debt  
28 service fund: *Provided further*, That the executive director of the  
29 Kansas public employees retirement system shall certify to the di-  
30 rector of accounts and reports an amount to reimburse the state  
31 general fund for bond debt service payments authorized in fiscal  
32 year 2005: *And provided further*, That the director of accounts and  
33 reports shall transfer to the state general fund such amount cer-  
34 tified as provided by the executive director no later than June 30,  
35 2005.]

36 Sec. ~~38~~ [42.] *Appeals to exceed position limitations.* The limitations  
37 imposed by this act on the number of full-time and regular part-time  
38 positions equated to full-time, excluding seasonal and temporary posi-  
39 tions, paid from appropriations for the fiscal years ending June 30, 2004,  
40 or June 30, 2005, made in chapter 138 or 160 of the 2003 Session Laws  
41 of Kansas or in this act or in any other appropriation act of the 2004  
42 regular session of the legislature may be exceeded upon approval of the  
43 state finance council.

1       Sec. ~~39.~~ [43.] *Appeals to exceed expenditure limitations.* (a) Upon writ-  
2 ten application to the governor and approval of the state finance council,  
3 expenditures from special revenue funds may exceed the amounts spec-  
4 ified in this act.

5       (b) This section shall not apply to the state economic development  
6 initiatives fund, the childrens initiatives fund, the state water plan fund  
7 or the Kansas endowment for youth fund, or to any account of any of  
8 such funds.

9       Sec. ~~40.~~ [44.] *Savings.* (a) Any unencumbered balance as of June 30,  
10 2004, in any special revenue fund, or account thereof, of any state agency  
11 named in this act which is not otherwise specifically appropriated or lim-  
12 ited by this or other appropriation act of the 2004 regular session of the  
13 legislature, is hereby appropriated for the fiscal year ending June 30,  
14 2005, for the same use and purpose as the same was heretofore appro-  
15 priated. This subsection shall not apply to any state agency named in  
16 section 22 of chapter 138 of the 2003 Session Laws of Kansas.

17       (b) Any unencumbered balance as of June 30, 2004, in any special  
18 revenue fund, or account thereof, of any state agency named in section  
19 22 of chapter 138 of the 2003 Session Laws of Kansas which is not oth-  
20 erwise specifically appropriated or limited for fiscal year 2005 by chapter  
21 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other  
22 appropriation act of the 2004 regular session of the legislature, is hereby  
23 appropriated for fiscal year 2005 for the same use and purpose as the  
24 same was heretofore appropriated.

25       (c) This section shall not apply to the state economic development  
26 initiatives fund, the childrens initiatives fund, the state water plan fund  
27 or the Kansas endowment for youth fund, or to any account of any of  
28 such funds.

29       Sec. ~~41.~~ [45.] During the fiscal year ending June 30, 2005, all moneys  
30 which are lawfully credited to and available in any bond special revenue  
31 fund, which are not otherwise specifically appropriated or limited by this  
32 or other appropriation act of the 2004 regular session of the legislature,  
33 are hereby appropriated for the fiscal year ending June 30, 2005, for the  
34 state agency for which the bond special revenue fund was established for  
35 the purposes authorized by law for expenditures from such bond special  
36 revenue fund. As used in this subsection, bond special revenue fund  
37 means any special revenue fund or account thereof established in the  
38 state treasury prior to or on or after the effective date of this act for the  
39 deposit of the proceeds of bonds issued by the Kansas development fi-  
40 nance authority, for the payment of debt service for bonds issued by the  
41 Kansas development finance authority, or for any related purpose in ac-  
42 cordance with applicable bond covenants.

43       Sec. ~~42.~~ [46.] *Federal grants.* (a) During the fiscal year ending June

1 30, 2005, each federal grant or other federal receipt which is received by  
2 a state agency named in this act and which is not otherwise appropriated  
3 to that state agency by this or other appropriation act of the 2004 regular  
4 session of the legislature, is hereby appropriated for the fiscal year ending  
5 June 30, 2005, for that state agency for the purpose set forth in such  
6 federal grant or receipt, except that no expenditure shall be made from  
7 and no obligation shall be incurred against any such federal grant or other  
8 federal receipt, which has not been previously appropriated or reapprop-  
9 riated or approved for expenditure by the governor, until the governor  
10 has authorized the state agency to make expenditures therefrom. This  
11 subsection shall not apply to any state agency named in section 22 of  
12 chapter 138 of the 2003 Session Laws of Kansas.

13 (b) During the fiscal year ending June 30, 2005, each federal grant or  
14 other federal receipt which is received by a state agency named in section  
15 22 of chapter 138 of the 2003 Session Laws of Kansas and which is not  
16 otherwise appropriated to that state agency for fiscal year 2005 by chapter  
17 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other  
18 appropriation act of the 2004 regular session of the legislature, is hereby  
19 appropriated for fiscal year 2005 for that state agency for the purpose set  
20 forth in such federal grant or receipt, except that no expenditure shall be  
21 made from and no obligation shall be incurred against any such federal  
22 grant or other federal receipt, which has not been previously appropriated  
23 or reappropriated or approved for expenditure by the governor, for fiscal  
24 year 2005, until the governor has authorized the state agency to make  
25 expenditures from such federal grant or other federal receipt for fiscal  
26 year 2005.

27 (c) In addition to the other purposes for which expenditures may be  
28 made by any state agency which is named in this act or other appropriation  
29 act of the 2004 regular session of the legislature and which is not other-  
30 wise authorized by law to apply for and receive federal grants, expendi-  
31 tures may be made by such state agency from moneys appropriated for  
32 fiscal year 2005 by chapter 138 or chapter 160 of the 2003 Session Laws  
33 of Kansas or by this or other appropriation act of the 2004 regular session  
34 of the legislature to apply for and receive federal grants during fiscal year  
35 2005, which federal grants are hereby authorized to be applied for and  
36 received by such state agencies: *Provided*, That no expenditure shall be  
37 made from and no obligation shall be incurred against any such federal  
38 grant or other federal receipt, which has not been previously appropriated  
39 or reappropriated or approved for expenditure by the governor, until the  
40 governor has authorized the state agency to make expenditures there-  
41 from.

42 Sec. ~~43~~ [47.] Any correctional institutions building fund appropriation  
43 heretofore appropriated to any state agency named in this or other ap-

1 appropriation act of the 2004 regular session of the legislature, and having  
2 an unencumbered balance as of June 30, 2004, in excess of \$100 is hereby  
3 reappropriated for the fiscal year ending June 30, 2005, for the same uses  
4 and purposes as originally appropriated unless specific provision is made  
5 for lapsing such appropriation.

6 Sec. ~~44~~. **[48.]** Any Kansas educational building fund appropriation  
7 heretofore appropriated to any institution named in this or other appro-  
8 priation act of the 2004 regular session of the legislature and having an  
9 unencumbered balance as of June 30, 2004, in excess of \$100 is hereby  
10 reappropriated for the fiscal year ending June 30, 2005, for the same use  
11 and purpose as originally appropriated, unless specific provision is made  
12 for lapsing such appropriation.

13 Sec. ~~45~~. **[49.]** Any state institutions building fund appropriation here-  
14 tofore appropriated to any state agency named in this or other appropri-  
15 ation act of the 2004 regular session of the legislature and having an  
16 unencumbered balance as of June 30, 2004, in excess of \$100 is hereby  
17 reappropriated for the fiscal year ending June 30, 2005, for the same use  
18 and purpose as originally appropriated, unless specific provision is made  
19 for lapsing such appropriation.

20 Sec. ~~46~~. **[50.]** Any transfers of money during the fiscal year ending June  
21 30, 2004, from any special revenue fund of any state agency named in  
22 this act to the audit services fund of the division of post audit under K.S.A.  
23 46-1121 and amendments thereto shall be in addition to any expenditure  
24 limitation imposed on any such fund for the fiscal year ending June 30,  
25 2005.

26 Sec. ~~47~~. **[51.]** On July 1, 2004, section 66 of 2004 House Bill No. 2675  
27 hereby repealed.

28 Sec. ~~48~~. **[52.]** This act shall take effect and be in force from and after  
29 its publication in the Kansas register.