

## **Message to the House of Representatives of the State of Kansas on Senate Substitute for HB 2444:**

### **Board of Regents: Sec. 45(b)**

After considering this proviso carefully, I have decided not to veto it. Its effect on Regents institutions will be slight. It is an acceptable balance that will both preserve academic freedom and require university administrators to adopt policies on issues of concern to many Kansans.

More importantly, the proviso, unlike its predecessor, returns the Legislature to its proper role regarding curriculum at Regents institutions. The Legislature should not attempt to regulate Regents institutions course-by-course, professor-by-professor. That would both chill speech at our universities and shortchange our students by giving them a lackluster, second-rate education. Merely asking the Board of Regents to adopt policies on certain topics, however, as this proviso does, keeps the Legislature within appropriate boundaries.

Academic freedom at institutions of higher learning is essential to our democratic way of life and to our future prosperity. As Governor, I will continue to ensure that our universities have that freedom, and that they exercise it responsibly.

I look forward to returning our focus to issues of genuine concern to Kansas families, such as creating jobs, streamlining government, and ensuring that our children will have the same opportunities and blessings we have had. This is the work Kansans have called on us to do.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Substitute for House Bill No. 2444 with my signature approving the bill, except for the items enumerated below.

### **Sentencing Commission**

#### **Required Budget Recommendation for SB 123**

Section 16(c) has been line-item vetoed in its entirety.

To implement alternative penalties for drug possession contained in 2003 SB 123, I stated to the Legislature that my staff, over the next year, would examine drug rehabilitation money throughout the state budget to determine whether any of these funds could be utilized for this purpose. Section 16(c) would require me to prepare and submit a recommendation for additional funding for SB 123 in the amount of \$852,598. This section interferes with the practice of the Governor making budget recommendations and the Legislature approving budget. By attempting to dictate what I can recommend this proviso violates the principle of separation of powers.

### **Ombudsman for Corrections**

#### **Operating Expenditures**

Section 21 has been line-item vetoed in its entirety.

I veto the budget approved for the Ombudsman for Corrections for FY 2004. In my original budget recommendations I did not include funding for continuation of the Ombudsman. This program, along with many others, certainly provides a worthy service. However, the level of financial resources currently available to the state has necessitated difficult budget decisions based on our best judgment of priorities. Accordingly, I made the decision not to recommend continuation of this office. Committing limited funds to such a low priority program is not a prudent use of the state's financial resources.

### **Department of Administration**

#### **Payroll Advices**

Section 36(e) has been line-item vetoed in its entirety.

Over the last several years, the State of Kansas has grown in technological abilities. The Department of Administration has developed a more efficient, paperless method of delivering pay advice information to state employees in FY 2004. Paycheck and leave information will be available online through the Employee Self Service Center on the Monday prior to a Friday payday, which is several days earlier than the current mailing process. Additionally, the Department of Administration, along with many other state agencies, has experienced significant budget reductions and has had to take extraordinary measures to realize efficiencies and cut costs. This proviso would require the Department to continue mailing an advice to anyone who makes a request. Initiating a special process for those requesting a mailed pay advice would require automation changes. Such a provision, if allowed to take effect, would clearly undermine the efficiency and cost effectiveness of the new policy. I therefore find it necessary to veto this proviso.

#### **Fee for KANS-A-N Directory**

Section 36(f) has been line-item vetoed in its entirety.

Another initiative by the Department of Administration, which takes advantage of technology and cuts costs, has

been to eliminate printing of the KANS-A-N Directory and make it accessible through the Internet. The provision in HB 2444 presumes that the directory would continue to be printed and authorizes a fee to be charged to cover the cost. It is rapidly becoming standard practice to make information of this kind available through the most modern means of telecommunications not only because it is less expensive, but because it can be updated more efficiently as well as timely. Not to take advantage of the technology available to us is wasteful of the state's resources. This provision is an obstacle to progress and ignores current budget constraints when paying for a hard copy directory that is out of date shortly after its distribution. For these reasons, I veto this proviso.

#### **Department on Aging**

##### **HCBS/FE Waiver Waiting List Requirement**

Section 73(f) has been line-item vetoed in its entirety.

This section requires the Department on Aging to expend \$2,925,294 from the State General Fund to reduce the waiting list for the HCBS/FE Waiver Program in FY 2004. This amount is equal to the increase in program funding from FY 2003 to FY 2004. Additional appropriations made for the HCBS/DD Waiver Program and the HCBS/PD Waiver Program in the Department of Social and Rehabilitation Services did not include similar requirements. Because this requirement would unreasonably restrict the agency's flexibility in its management of this program, I find it necessary to veto this section.

Dated: May 23, 2003

KATHLEEN SEBELIUS, Governor

SENATE Substitute for HOUSE BILL No. 2444

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2003, June 30, 2004, June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008, June 30, 2009, and June 30, 2010; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending K.S.A. 75-6702 and K.S.A. 2002 Supp. 79-3425c and repealing the existing sections.

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

Section 1. (a) For the fiscal years ending June 30, 2003, June 30, 2004, June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008, June 30, 2009, and June 30, 2010, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

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

(c) This act shall be known and may be cited as the omnibus appropriation act of 2003 and shall constitute the omnibus reconciliation spending limit bill for the 2003 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702 and amendments thereto.

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

Sec. 2.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On July 1, 2003, the expenditure limitation established by section 36(b) of 2003 Senate Bill No. 6 on the agency operations account of the Kansas public employees retirement fund is hereby increased from \$6,701,285 to \$6,755,476.

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

KPERS refund fund

For the fiscal year ending June 30, 2004..... \$0

(c) During the fiscal year ending June 30, 2004, notwithstanding the provisions of any other statute, the executive director of the Kansas public employees retirement system shall determine and certify to the state treasurer, amounts from specified amounts of state employers contributions which are attributable to the Kansas public employees retirement system, the Kansas police and firemen's retirement system, and the retirement system for judges, which equal \$700,000 in the aggregate and which are required to be credited to the KPERS refund fund for the purpose of making the transfers and refunds prescribed by this subsection: *Provided*, That, upon receipt of each such certification, the state treasurer shall credit the amounts certified by the executive director of the Kansas public employees retirement system from such state employer contributions to the KPERS refund fund: *Provided further*, That, on or after July 1, 2003, on the date during the fiscal year ending June 30, 2004, when sufficient moneys have been credited to the KPERS refund fund pursuant to this subsection in order to offset a like amount of moneys which have been deposited in the Kansas public employees retirement fund to the credit of the retirant dividend payment reserve pursuant to 2003 House Bill No. 2014 and which are determined to be no longer required for the purposes of making payments from the retirement dividend payment reserve on October 1, 2003, the executive director of the Kansas public employees retirement system shall certify such matters to the director of accounts and reports: *And provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer all moneys credited to the KPERS refund fund to the state general fund: *And provided further*, That the executive director of the Kansas public employees retirement system shall transmit a copy of each certification made pursuant to this subsection to the director of the legislative research department.

Sec. 3.

DEPARTMENT OF REVENUE

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

Operating expenditures

For the fiscal year ending June 30, 2004..... \$216,071

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

Photo fee fund

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

*Provided*, That expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of implementing 2003 Senate Bill No. 16 and 2003 House Bill No. 2192.

Estate tax abatement refund fund

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

(c) On the effective date of this act, the expenditure limitation established by section 100(c) of 2003 Senate Bill No. 6 on the electronic databases fee fund is hereby increased from \$6,592,103 to no limit.

(d) On July 1, 2003, the expenditure limitation established by section 42(b) of 2003 Senate Bill No. 6 on the division of vehicles operating fund is hereby increased from \$36,890,534 to no limit.

(e) (1) On July 1, 2003, October 1, 2003, January 1, 2004, and April 1, 2004, the director of accounts and reports shall transfer \$350,806 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(2) On or before June 30, 2007, during the fiscal year ending June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$16,986 from the state general fund to the state highway fund of the department of transportation for the purpose of repaying the amount of \$16,986 transferred to the division of vehicles operating fund pursuant to this subsection (e): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (e)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(f) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$350,000 from the state safety fund of the department of education to the division of vehicles operating fund of the department of revenue for the purpose of financing a portion of the cost of administration and operation of the driver license program of the department of revenue.

(g) On the effective date of this act, of the \$25,213,302 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 42(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures account, the sum of \$3,350,000 is hereby lapsed.

(h) (1) During the fiscal year ending June 30, 2004, notwithstanding the provisions of K.S.A. 41-507, 79-1112, 79-15,105, 79-15,113, 79-32,105, 79-3379, 79-3620, 79-3710 and 79-4227 and amendments thereto, section 42(b) of 2003 Senate Bill No. 6, or any other statute, the amount of moneys credited to the suspense fund for the purpose of paying liquor enforcement tax refunds, the privilege tax refund fund, the estate tax abatement refund fund, the income tax refund fund, the cigarette tax refund fund, the sales tax refund fund, the compensating tax refund fund, and the mineral production tax refund fund, in the aggregate, shall not exceed \$424,500,000, subject to the provisions of subsection (h)(2): *Provided, however*, That any amount required to be credited to the income tax refund fund for an approved payment of a homestead tax refund claim shall be in addition to the aggregate limitation established by this subsection on the amounts credited during fiscal year 2004 to the suspense fund for the purpose of paying liquor enforcement tax refunds, the privilege tax refund fund, the estate tax abatement refund fund, the income tax refund fund, the cigarette tax refund fund, the sales tax refund fund, the compensating tax refund fund, and the mineral production tax refund fund.

(2) During the fiscal year ending June 30, 2004, upon request by the secretary of revenue, in consultation with the director of taxation, and approval by the governor, the amount of moneys credited during fiscal year 2004 to the suspense fund for the purpose of paying liquor enforcement tax refunds, the privilege tax refund fund, the estate tax abatement refund fund, the income tax refund fund, the cigarette tax refund fund, the sales tax refund fund, the compensating tax refund fund, and the mineral production tax refund fund may exceed the aggregate limitation established by this subsection (h) on the amounts credited during fiscal year 2004 to the suspense fund for the purpose of paying liquor enforcement tax refunds, the privilege tax refund fund, the estate tax abatement refund fund, the income tax refund fund, the cigarette tax refund fund, the sales tax refund fund, the compensating tax refund fund, and the mineral production tax refund fund, by an additional amount or amounts specified by the governor for the fund or funds specified by the governor therefor: *Provided*, That the aggregate of all such additional amounts authorized by the governor to be credited during fiscal year 2004 to such fund or funds pursuant to this subsection (h)(2) shall not exceed \$50,000,000.

Sec. 4.

KANSAS LOTTERY

(a) In addition to the aggregate total of not less than \$61,500,000 that shall be transferred from the lottery operating fund to the state gaming revenues fund during fiscal year 2003 as prescribed by section 43(e) of 2003 Senate Bill No. 6, an additional amount of not less than \$1,000,000 shall be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2003, for a new aggregate amount of not less than \$62,500,000 to be transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2003 in monthly transfers concluding on or before July 15, 2003.

(b) On July 1, 2003, the expenditure limitation established by section 43(a) of 2003 Senate Bill No. 6 on the lottery operating fund is hereby increased from \$8,657,200 to \$8,704,864.

(c) Notwithstanding provisions of K.S.A. 79-4801 and amendments thereto and in addition to the requirements of section 43(e) of 2003 Senate Bill No. 6, on or after January 15, 2004, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund an amount of \$500,000: *Provided*, That the director of accounts and reports shall transfer immediately thereafter from the state gaming revenues fund to the state general fund an amount of \$500,000: *Provided further*, That on or before June 15, 2004, the executive director of the lottery shall certify to the director of accounts and reports the amount of total profit attributed to the special veterans benefits game, reduced by the \$500,000 previously transferred: *And provided further*, That the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund such amount certified.

Sec. 5.

KANSAS RACING AND GAMING COMMISSION

(a) On July 1, 2003, the expenditure limitation established by section 44(a) of 2003 Senate Bill No. 6 on the state racing fund is hereby increased from \$3,015,318 to \$3,041,501.

(b) On July 1, 2003, the amount of \$500,000 authorized by section 44(g) of 2003 Senate Bill No. 6 to be transferred from the horse fair racing benefit fund to the state general fund is hereby decreased to \$300,000.

Sec. 6.

DEPARTMENT OF WILDLIFE AND PARKS

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

Operating expenditures  
For the fiscal year ending June 30, 2004..... \$23,946

(b) On July 1, 2003, of the \$3,189,583 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 83(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures account, the sum of \$30,000 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established by section 129(b) of chapter 204 of the 2002 Session Laws of Kansas on the operations account of the wildlife fee fund is hereby increased from \$23,945,007 to \$23,975,007.

(d) On July 1, 2003, the expenditure limitation established by section 83(b) of 2003 Senate Bill No. 6 on the wildlife fee fund is hereby increased from \$22,861,876 to \$23,019,810.

(e) On July 1, 2003, the expenditure limitation established by section 83(b) of 2003 Senate Bill No. 6 on the boating fee fund is hereby increased from \$1,282,107 to \$1,290,845.

(f) On July 1, 2003, the expenditure limitation established by section 83(b) of 2003 Senate Bill No. 6 on the parks fee fund is hereby increased from \$5,873,762 to \$5,922,153.

(g) (1) The director of accounts and reports shall not make the transfer of \$1,500,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks which was directed to be made on July 1, 2004, by section 23(c) of 2003 House Bill No. 2426.

(2) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,500,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks.

(h) (1) The director of accounts and reports shall not make the transfer of \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the department of wildlife and parks which was directed to be made on July 1, 2004, by section 23(d) of 2003 House Bill No. 2426.

(2) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the department of wildlife and parks.

Sec. 7.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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

Operating expenditures

For the fiscal year ending June 30, 2003.....	\$1,000,000
For the fiscal year ending June 30, 2004.....	\$582,078

*Provided*, That during the fiscal years ending June 30, 2003 and June 30, 2004, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer moneys in the operating expenditures account or the state general fund to any other item of appropriation from the state general fund for the state board of indigents' defense services: *Provided further*, That the executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

Capital defense operations

For the fiscal year ending June 30, 2004.....	\$9,826
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Sec. 8.

DEPARTMENT OF COMMERCE

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

Operating grant (including official hospitality)

For the fiscal year ending June 30, 2004.....	\$13,553,544
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*Provided*, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2003, is hereby reappropriated for fiscal year 2004: *Provided further*, That expenditures may be made from the operating grant (including official hospitality) account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: *And provided further*, That expenditures may be made from the operating grant (including official hospitality) account for cer-

tified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce: *And provided further*, That during fiscal year 2004, expenditures made by the department of commerce from the operating grant (including official hospitality) account of the state economic development initiatives fund shall be made for the purpose of achieving the following outcome measures:

Measure	Budget Year Projection FY 2004
Jobs created by projects utilizing KDOC assistance	5,745
Jobs retained by projects utilizing KDOC assistance	4,950
Payroll generated by projects utilizing KDOC assistance	\$338,539,160
Capital investment in Kansas resulting from projects utilizing KDOC assistance	\$842,200,000
Funds leveraged through match in projects utilizing KDOC assistance	\$32,143,719
Individuals trained through workforce development programs	9,468
Sales generated by projects utilizing KDOC assistance	\$53,290,000
Increase in visitation resulting from KDOC tourism promotion efforts	332,150
Tourism revenue generated as a result of KDOC tourism promotion	\$32,494,970
Kansans served with counseling, technical assistance or business services	4,462
Number of communities receiving community assistance services	298

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

Publication and other sales fund	
For the fiscal year ending June 30, 2004.....	No limit
Conversion of equipment and materials fund	
For the fiscal year ending June 30, 2004.....	No limit
Conference registration and disbursement fund	
For the fiscal year ending June 30, 2004 .....	No limit
Kansas venture capital companies certificate fee fund	
For the fiscal year ending June 30, 2004.....	No limit
Trademark fund	
For the fiscal year ending June 30, 2004.....	No limit
Flood mitigation assistance federal fund	
For the fiscal year ending June 30, 2004.....	No limit
Trade show promotion fund	
For the fiscal year ending June 30, 2004.....	No limit
Kansas tourist attraction matching grant development fund	
For the fiscal year ending June 30, 2004.....	No limit
Greyhound tourism fund	
For the fiscal year ending June 30, 2004.....	No limit
Reimbursement and recovery fund	
For the fiscal year ending June 30, 2004.....	No limit
Community development block grant—federal fund	
For the fiscal year ending June 30, 2004.....	No limit
Community development block grant—federal fund— revolving loan account	
For the fiscal year ending June 30, 2004.....	No limit
Other federal grants fund	
For the fiscal year ending June 30, 2004.....	No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in

the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2004 other than moneys appropriated by this or other appropriation act of the 2003 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the fiscal year 2004, other than moneys appropriated by this or other appropriation act of the 2003 regular session of the legislature.

National main street center fund

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

IMPACT program services fund

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

IMPACT program repayment fund

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

Kansas partnership fund

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

*Provided*, That the interest rate on any loan made from the Kansas partnership fund shall be annually indexed to the federal discount rate.

Goodyear bond repayment fund

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

*Provided*, That, on July 1, 2003, or as soon thereafter as moneys are available, the director of the division of accounts and reports shall transfer from the state general fund to the Goodyear bond repayment fund an amount sufficient to pay annual debt service on the bond obligations authorized pursuant to K.S.A. 74-8942 through 74-8945 and amendments thereto as certified by the secretary of commerce, in accordance with and subject to the provisions of K.S.A. 74-8943 and amendments thereto.

General fees fund

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

*Provided*, That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.

Market development fund

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

*Provided*, That expenditures may be made from the market development fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: *Provided further*, That all moneys received by the department of commerce for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury and credited to this fund.

Kansas economic opportunity initiatives fund

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

Kansas existing industry expansion fund

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

*Provided*, That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: *Provided further*, That all moneys received by the department of commerce for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury and credited to this fund.

(c) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2004, for (1) the provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute, (2) sale of *Kansas!* magazine and other publications of the department of commerce and for sale of



educational and other promotional items and for which fees are not specifically prescribed by statute, and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce, including those provided at tourist information centers: *Provided*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be credited to one or more special revenue funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue funds of the department of commerce for fiscal year 2004, in accordance with the provisions of this or other appropriation act of the 2003 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(d) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for the department of commerce as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures may be made by the department of commerce for fiscal year 2004 for official hospitality.

(e) On August 15, 2003, and December 15, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,487,500 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.

(f) On August 15, 2003, and December 15, 2003, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$211,623 from the state economic development initiatives fund to the Kansas existing industry expansion fund of the department of commerce.

(g) On or after July 1, 2003, during the fiscal year ending June 30, 2004, the director of accounts and reports shall transfer the amount or amounts specified by the secretary of commerce from the Kansas venture capital companies certificate fee fund to the general fees fund to reimburse the amount expended from the general fees fund for consulting services purchased by the department of commerce in connection with establishing a program to administer the certified capital formation company act.

(h) On July 1, 2003, the director of accounts and reports shall transfer all moneys in the Kansas export loan guarantee fund of the department of commerce to the state economic development initiatives fund. On July 1, 2003, all liabilities of the Kansas export loan guarantee fund of the department of commerce, including any encumbrances, are hereby transferred to and imposed on the state economic development initiatives fund and the Kansas export loan guarantee fund of the department of commerce, is hereby abolished.

(i) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for fiscal year 2004, made in this or other appropriation act of the 2003 regular session of the legislature for the department of commerce shall not exceed 108.5 except upon approval of the state finance council.

Sec. 9.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

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

Operations, assistance and grants (including official hospitality)  
For the fiscal year ending June 30, 2004..... \$10,948,486  
*Provided*, That any unencumbered balance in the operations, assistance

and grants (including official hospitality) account as of June 30, 2003, is hereby reappropriated for fiscal year 2004.

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

MAMTC federal fund	
For the fiscal year ending June 30, 2004.....	No limit
KTEC special revenue fund	
For the fiscal year ending June 30, 2004.....	No limit

(c) No moneys appropriated for the fiscal year or years specified, by this or other appropriation act of the 2003 regular session of the legislature for the Kansas technology enterprise corporation shall be expended for any bonus or other payment of additional compensation for any officer or employee of the Kansas technology enterprise corporation, or any subsidiary corporation, agency or instrumentality thereof, except longevity bonus payments pursuant to K.S.A. 75-5541 and amendments thereto or as otherwise specifically authorized by statute.

Sec. 10.

KANSAS, INC.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2004, the following:

Operations (including official hospitality) .....	\$203,162
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2004, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas, Inc., matching fund .....	No limit
Conversion of materials and equipment fund .....	No limit

(c) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for fiscal year 2004, made in this or other appropriation act of the 2003 regular session of the legislature for Kansas, Inc., shall not exceed 4.0 except upon approval of the state finance council.

Sec. 11.

DEPARTMENT OF HEALTH AND ENVIRONMENT—  
DIVISION OF HEALTH

(a) On July 1, 2003, of the \$7,268,760 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 47(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$218,737 is hereby lapsed.

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

Gifts, grants and donations fund—environment	
For the fiscal year ending June 30, 2004.....	No limit
Special bequest fund—health	
For the fiscal year ending June 30, 2004.....	No limit
Child injury prevention—federal fund	
For the fiscal year ending June 30, 2004 .....	No limit
Civil registration and health statistics fee fund	
For the fiscal year ending June 30, 2004.....	No limit

(c) In addition to the other purposes for which expenditures may be made by the department of health and environment—division of health from moneys appropriated from the district coroners fund for fiscal year 2004, as authorized by this or other appropriation act of the 2003 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245 and amendments thereto, or any other statute, expenditures may be made by the department of health and environment—division of

health from such moneys appropriated from the district coroners fund for fiscal year 2004 pursuant to K.S.A. 22a-242 and amendments thereto.

(d) On July 1, 2003, the position limitation established for the fiscal year ending June 30, 2004, by section 85(a) of 2003 Senate Bill No. 6 for the department of health and environment is hereby increased from 876.5 to 888.5.

(e) On July 1, 2003, the director of accounts and reports shall transfer \$180,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 *et seq.*, and amendments thereto.

Sec. 12.

DEPARTMENT OF HEALTH AND ENVIRONMENT—  
DIVISION OF ENVIRONMENT

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

Operating expenditures (including official hospitality)  
For the fiscal year ending June 30, 2004..... \$89,412

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

Mined-land reclamation fund	
For the fiscal year ending June 30, 2004.....	No limit
104 (6) (1) outreach operator training program—federal fund	
For the fiscal year ending June 30, 2004.....	No limit
Underground storage tank fund—federal	
For the fiscal year ending June 30, 2004.....	No limit
Federal EPA underground injection control fund	
For the fiscal year ending June 30, 2004.....	No limit
Laboratory medicaid cost recovery fund—environment	
For the fiscal year ending June 30, 2004.....	No limit
Medicare fund—federal	
For the fiscal year ending June 30, 2004.....	No limit
Venereal disease control project fund—federal	
For the fiscal year ending June 30, 2004.....	No limit
Disease prevention and health promotion federal grants fund	
For the fiscal year ending June 30, 2004.....	No limit
Federal homeland security fund	
For the fiscal year ending June 30, 2004.....	No limit
Immunization grant funds—federal fund	
For the fiscal year ending June 30, 2004.....	No limit
Diagnostic X-ray program—federal fund	
For the fiscal year ending June 30, 2004.....	No limit
Lead poisoning prevention—federal fund	
For the fiscal year ending June 30, 2004.....	No limit
AIDS project—education and risk reduction fund—federal	
For the fiscal year ending June 30, 2004.....	No limit
Environmental control use fund	
For the fiscal year ending June 30, 2004.....	No limit

Sec. 13.

ADJUTANT GENERAL

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

Operating expenditures	
For the fiscal year ending June 30, 2004.....	\$21,932
Civil air patrol—operating expenditures	
For the fiscal year ending June 30, 2004.....	\$179
2002 ice storm disaster relief	
For the fiscal year ending June 30, 2004.....	\$49

Sec. 14.

STATE FIRE MARSHAL

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 71(a) of 2003 Senate Bill No. 6 on the fire marshal fee fund is hereby increased from \$2,842,738 to \$2,869,313.

(b) On July 1, 2003, the expenditure limitation established by section 71(a) of 2003 Senate Bill No. 6 on the hazardous material program fund is hereby increased from \$419,239 to \$421,000.

Sec. 15.

KANSAS HIGHWAY PATROL

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

Operating expenditures

For the fiscal year ending June 30, 2004..... \$95,607

(b) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 73(b) of 2003 Senate Bill No. 6 on the motor carrier inspection fund is hereby increased from \$11,760,425 to \$11,822,771.

(c) On January 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the Kansas highway patrol motor vehicle fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas highway patrol motor vehicle fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Kansas highway patrol motor vehicle fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas highway patrol by other agencies which receive appropriations from the state general fund to provide such services.

(d) In addition to the other purposes for which expenditures may be made by the Kansas highway patrol from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the Kansas highway patrol from moneys appropriated from the state general fund from any special revenue fund for fiscal year 2004 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to finance a capital improvement project to acquire the vehicle inspection facility in Olathe, Kansas: *Provided*, That such capital improvement project is hereby approved for the Kansas highway patrol for the purpose of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the Kansas highway patrol may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$510,800, plus all the amounts required for cost of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

Sec. 16.

KANSAS SENTENCING COMMISSION

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

Operating expenditures  
 For the fiscal year ending June 30, 2004..... \$2,838  
 Substance abuse treatment programs  
 For the fiscal year ending June 30, 2004..... \$3,883,577

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

Coverdell forensic federal grant fund  
 For the fiscal year ending June 30, 2003..... No limit  
 General fees fund  
 For the fiscal year ending June 30, 2004..... No limit

*Provided*, That expenditures from the general fees fund shall be made only for implementation of 2003 Senate Bill No. 123.

~~(c) During the fiscal year ending June 30, 2004, on or before the commencement of the regular session of the legislature, the governor shall prepare and submit a recommendation to the legislature for an additional amount of funding for the Kansas sentencing commission for substance abuse treatment programs to implement the provisions of 2003 Senate Bill No. 123. *Provided*, That such additional funding shall be recommended for appropriation or transfer to the Kansas sentencing commission in an aggregate amount not to exceed \$852,598.~~

Sec. 17.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

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

Operating expenditures  
 For the fiscal year ending June 30, 2004..... \$109,228

(b) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 74(b) of 2003 Senate Bill No. 6 on the private detective fee fund is hereby increased from \$56,812 to \$57,352.

(c) During the fiscal years ending June 30, 2003, and June 30, 2004, the above agency shall not increase the fees charged to the department of health and environment for the purpose of conducting criminal history record checks during fiscal year 2004.

Sec. 18.

EMERGENCY MEDICAL SERVICES BOARD

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 75(a) of 2003 Senate Bill No. 6 on the emergency medical services operating fund is hereby increased from \$868,974 to \$876,368.

Sec. 19.

DEPARTMENT OF TRANSPORTATION

(a) On the July 1, 2003, October 1, 2003, January 1, 2004, and April 1, 2004, the amount of \$2,768,756 authorized by section 73(f) of Senate Bill No. 6 to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the motor carrier inspection fund of the Kansas highway patrol for the purpose of financing the motor carrier inspection program of the Kansas highway patrol is hereby increased to \$2,784,343.

(b) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 84(b) of 2003 Senate Bill No. 6 on expenditures for agency operations from the state highway fund of the department of transportation is hereby increased from \$238,766,367 to \$240,363,407.

(c) (1) On July 1, 2003, the director of accounts and reports shall transfer \$95,607 from the state highway fund of the department of transportation to the state general fund.

(2) On or before June 30, 2007, during the fiscal year ending June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,901.75 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (c)(1): *Provided*, That, at the same time that such certification is made by the di-

rector of the budget to the director of accounts and reports under this subsection (c)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(3) On or before June 30, 2008, during the fiscal year ending June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,901.75 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (c)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (c)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(4) On or before June 30, 2009, during the fiscal year ending June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,901.75 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (c)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (c)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(5) On or before June 30, 2010, during the fiscal year ending June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,901.75 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (c)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (c)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(d) In addition to the other purposes for which expenditures may be made by the department of transportation from moneys appropriated from the agency operations account of the state highway fund for fiscal year 2004 for the department of transportation as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the department of transportation from moneys appropriated in the agency operations account of the state highway fund for fiscal year 2004 to work cooperatively with the Kansas congressional delegation to obtain a state-specific change in federal law to permit the use of over-length cotton double module hauling vehicles on the national highway system in Kansas.

Sec. 20.

DEPARTMENT OF CORRECTIONS

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

Central administration operations and parole and post-release supervision operations	
For the fiscal year ending June 30, 2004.....	\$436,335
Community corrections	
For the fiscal year ending June 30, 2004.....	\$1,141,340
Treatment and programs	
For the fiscal year ending June 30, 2004.....	\$4,967
Ellsworth correctional facility—facilities operations	
For the fiscal year ending June 30, 2004.....	\$96,704
El Dorado correctional facility—facilities operations	
For the fiscal year ending June 30, 2004.....	\$195,745
Hutchinson correctional facility—facilities operations	
For the fiscal year ending June 30, 2004.....	\$233,092
Lansing correctional facility—facilities operations	
For the fiscal year ending June 30, 2004.....	\$318,453
Larned correctional mental health facility—facilities operations	
For the fiscal year ending June 30, 2004.....	\$76,150
Norton correctional facility—facilities operations	
For the fiscal year ending June 30, 2004.....	\$113,848
Topeka correctional facility—facilities operations	
For the fiscal year ending June 30, 2004.....	\$97,697

Winfield correctional facility—facilities operations

For the fiscal year ending June 30, 2004..... \$85,514

(b) On July 1, 2003, of the \$10,538,688 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of 2003 Senate Bill No. 6 from the state general fund in the facilities operations account, the sum of \$1,049,000 is hereby lapsed.

(c) On the effective date of this act, of the \$13,470,469 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 113(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the central administration operations and parole and post-release supervision operations account, the sum of \$139,125 is hereby lapsed.

(d) On the effective date of this act, of the \$31,527,900 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 113(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the treatment and programs account, the sum of \$531,000 is hereby lapsed.

(e) On the effective date of this act, of the \$1,334,000 appropriated for the above agency for the fiscal year ending June 30, 2003 by section 138(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the debt service payment for the reception and diagnostic unit relocation bond issue account, the sum of \$18,000 is hereby lapsed.

(f) On the effective date of this act, of the \$4,946,000 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 138(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the debt service payment for the revenue refunding bond issues account, the sum of \$39,000 is hereby lapsed.

(g) On July 1, 2003, of the \$2,605,000 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 68(a) of 2003 Senate Bill No. 6 from the state general fund in the local jail payments account, the sum of \$644,000 is hereby lapsed.

(h) On July 1, 2003, the position limitation established for the fiscal year ending June 30, 2004, by section 85(a) of 2003 Senate Bill No. 6 for the department of corrections is hereby increased from 3132.5 to 3135.5.

~~Sec. 21.~~

~~OMBUDSMAN OF CORRECTIONS~~

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

~~Adult corrections oversight~~

~~For the fiscal year ending June 30, 2004..... \$100,000~~

~~Provided, That any unencumbered balance in the adult corrections oversight account in excess of \$100 as of June 30, 2003, is hereby reappropriated for fiscal year 2004. Provided, however, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.~~

~~(b) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$85,000 from the state of Kansas department of corrections inmate benefit fund to the ombudsman of corrections fund.~~

Sec. 22.

STATE BANK COMMISSIONER

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 4(a) of 2003 Senate Bill No. 6 on the bank commissioner fee fund is hereby increased from \$5,720,490 to \$5,778,242.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 4(a) of 2003 Senate Bill No. 6 on the bank commissioner fee fund is hereby increased from \$5,997,892 to \$6,065,455.

Sec. 23.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 9(a) of 2003 Senate Bill No. 6 on the credit union fee fund is hereby increased from \$821,258 to \$829,966.

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

year ending June 30, 2005, by section 9(a) of 2003 Senate Bill No. 6 on the credit union fee fund is hereby increased from \$888,964 to \$898,833.

Sec. 24.

**REAL ESTATE APPRAISAL BOARD**

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 16(a) of 2003 Senate Bill No. 6 on the appraiser fee fund is hereby increased from \$221,439 to \$222,979.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 16(a) of 2003 Senate Bill No. 6 on the appraiser fee fund is hereby increased from \$240,724 to \$242,512.

Sec. 25.

**KANSAS REAL ESTATE COMMISSION**

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 17(a) of 2003 Senate Bill No. 6 on the real estate fee fund is hereby increased from \$711,117 to \$717,134.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 17(a) of 2003 Senate Bill No. 6 on the real estate fee fund is hereby increased from \$784,379 to \$791,230.

Sec. 26.

**OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS**

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 18(a) of 2003 Senate Bill No. 6 on the securities act fee fund is hereby increased from \$2,006,310 to \$2,026,744.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 18(a) of 2003 Senate Bill No. 6 on the securities act fee fund is hereby increased from \$2,168,700 to \$2,191,848.

Sec. 27.

**KANSAS HUMAN RIGHTS COMMISSION**

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

Operating expenditures

For the fiscal year ending June 30, 2004..... \$10,574

Sec. 28.

**STATE CORPORATION COMMISSION**

(a) On July 1, 2003, the aggregate expenditure limitation for the fiscal year ending June 30, 2004, established by section 38(b) of 2003 Senate Bill No. 6 on the public service regulation fund, the conservation fee fund, and the motor carrier license fee fund is hereby increased from \$12,882,684 to \$13,029,693.

Sec. 29.

**CITIZENS' UTILITY RATEPAYER BOARD**

(a) On July 1, 2003, the expenditure limitation for the fiscal year ending June 30, 2004, established by section 39(a) of 2003 Senate Bill No. 6 on the utility regulatory fee fund is hereby increased from \$580,552 to \$584,212.

Sec. 30.

**DEPARTMENT OF HUMAN RESOURCES**

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

Operating expenditures

For the fiscal year ending June 30, 2004..... \$14,716

(b) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 45(b) of 2003 Senate Bill No. 6 on the workmen's compensation fee fund is hereby increased from \$9,481,593 to \$9,562,517.

(c) On July 1, 2003, the expenditure limitation established by section 45(b) of 2003 Senate Bill No. 6 on the occupational health and safety—federal fund is hereby increased from \$592,449 to \$597,565.

(d) On July 1, 2003, the expenditure limitation established by section 45(b) of 2003 Senate Bill No. 6 on the federal indirect cost offset fund is hereby increased from \$314,049 to \$317,787.



Sec. 31.

STATE LIBRARY

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

Operating expenditures	
For the fiscal year ending June 30, 2004.....	\$11,422

Sec. 32.

KANSAS ARTS COMMISSION

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

Operating expenditures	
For the fiscal year ending June 30, 2004.....	\$3,291

Sec. 33.

LEGISLATURE

(a) Notwithstanding the provisions of subsection (a) or subsection (b) of section 25 of 2003 Senate Bill No. 6, expenditures shall be made by the legislature from the operating expenditures (including official hospitality) account of the state general fund or from the legislative special revenue fund of the legislature for any meeting of the joint committee on state building construction called in accordance with the provisions of K.S.A. 46-1701 and amendments thereto.

Sec. 34.

GOVERNOR'S DEPARTMENT

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

Governor's department	
For the fiscal year ending June 30, 2004.....	\$15,066

Sec. 35.

LIEUTENANT GOVERNOR

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

Operations	
For the fiscal year ending June 30, 2004.....	\$928

Sec. 36.

DEPARTMENT OF ADMINISTRATION

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

General administration	
For the fiscal year ending June 30, 2004.....	\$14,280
Department of administration systems	
For the fiscal year ending June 30, 2004.....	\$21,340
Accounting and reporting services	
For the fiscal year ending June 30, 2004.....	\$12,390
Personnel services	
For the fiscal year ending June 30, 2004.....	\$26,606
Purchasing	
For the fiscal year ending June 30, 2004.....	\$9,516
Facilities management	
For the fiscal year ending June 30, 2004.....	\$18,613
Budget analysis	
For the fiscal year ending June 30, 2004.....	\$12,702
Long-term care ombudsman	
For the fiscal year ending June 30, 2004.....	\$991

(b) On July 1, 2003, the expenditure limitation established by section 40(b) of 2003 Senate Bill No. 6 on the cafeteria benefits fund for salaries and wages and other operating expenditures is hereby increased from \$2,086,924 to \$2,095,041.

(c) On July 1, 2003, of the \$1,860,071 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 40(a) of 2003 Senate Bill No. 6 from the state general fund in the public broadcasting council grants account, the sum of \$47,055 is hereby lapsed.

(d) On July 1, 2003, the position limitation established for the fiscal year ending June 30, 2004, by section 85 (a) of 2003 Senate Bill No. 6

for the department of administration is hereby increased from 887.2 to 888.2.

~~(e) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2004, by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the department of administration to produce and mail paper pay advices to any state employee who submits a written request for such paper pay advices to the department of administration.~~

~~(f) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the information technology fund for the fiscal year ending June 30, 2004, by this or other appropriation act of the 2003 regular session of the legislature, the director of the division of information systems and communications is hereby authorized to fix, change and collect fees for publication and distribution of the KANS-A-N telephone directory.~~

Sec. 37. (a)(1) On July 1, 2003, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2004 by this or other appropriation act of the 2003 regular session of the legislature and that is budgeted for increased KANS-A-N long distance rates as certified by the director of the budget to the director of accounts and reports for fiscal year 2004, is hereby lapsed from such account.

(2) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is appropriated for the fiscal year ending June 30, 2004 by this or other appropriation act of the 2003 regular session of the legislature and that is budgeted for increased KANS-A-N long distance rates as certified by the director of the budget to the director of accounts and reports for fiscal year 2004, from such special revenue fund or account thereof, to the state general fund: *Provided*, That the amounts transferred from special revenue funds to the state general fund pursuant to this subsection (a) (2) are to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(3) The total of (A) the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2004 by subsection (a) (1), and (B) the aggregate amount transferred from all such special revenue funds and accounts to the state general fund during fiscal year 2004 pursuant to subsection (a) (2), shall not exceed \$710,000.

(4) In determining the amount budgeted for each state agency for increased KANS-A-N long distance rates for the fiscal year ending June 30, 2004, in each account of the state general fund of such state agency that is appropriated for fiscal year 2004, and in each account of each special revenue fund of such state agency that is appropriated for fiscal year 2004, for the purposes of making the certification to the director of accounts and reports prescribed by subsection (a), the director of the budget shall review the information contained in the budget estimates submitted by state agencies for fiscal year 2004, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2004 for such state agencies and may consider additional information, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (a), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions: *Provided*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection (a), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

Sec. 38. (a) (1) On July 1, 2003, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2004, by this or other appropriation act of the 2003

regular session of the legislature and that is determined by the director of the budget in accordance with the provisions of subsection (a)(2) to constitute savings attributable to the state agency's participation in the state setoff program under K.S.A. 75-6201 through 75-6215, and amendments thereto, and is certified by the director of the budget to the director of accounts and reports for fiscal year 2004, is hereby lapsed from such account.

(2) In determining the amount that constitutes savings attributable to a state agency's participation in the state setoff program under K.S.A. 75-6201 through 75-6215, and amendments thereto, for the fiscal year ending June 30, 2004, in each account of the state general fund of such state agency that is appropriated for fiscal year 2004, for the purposes of making the certification to the director of accounts and reports prescribed by subsection (a)(1), the director of the budget shall review the information contained in the budget estimates submitted by state agencies for fiscal year 2004, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2004 for such state agencies and may consider additional information, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (a), subject to the maximum aggregate amount prescribed under subsection (c) therefor and any applicable federal, state and other statutory or contract restrictions: *Provided*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under subsection (a)(1), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(b) (1) On July 1, 2003, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2004, by this or other appropriation act of the 2003 regular session of the legislature and that is budgeted for payments to the state motor pool for expenses related to commuting as determined and certified by the director of the budget to the director of accounts and reports for fiscal year 2004, is hereby lapsed from such account.

(2) In determining the amount budgeted for each state agency for payments to the state motor pool for expenses related to commuting for the fiscal year ending June 30, 2004, in each account of the state general fund of such state agency that is appropriated for fiscal year 2004, and in each account of each special revenue fund of such state agency that is appropriated for fiscal year 2004, for the purposes of making the certification to the director of accounts and reports prescribed by subsection (b)(1), the director of the budget shall review the information contained in the budget estimates submitted by state agencies for fiscal year 2004, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2004 for such state agencies and may consider additional information, and may apply appropriate analyses and prorations to determine the amounts to be certified under subsection (b)(1), subject to the maximum aggregate amount prescribed by subsection (c) therefor and any applicable federal, state and other statutory or contract restrictions: *Provided*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under subsection (b)(1), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(c) The total of (A) the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2004 by subsection (a)(1), and (B) the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2004 by subsection (b)(1), shall not exceed \$500,000.

Sec. 39.

#### KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 3(a) of 2003 House Bill No. 2026 on the board of barbering fee fund is hereby increased from \$113,266 to \$128,256.

(b) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 5(a) of 2003 Senate Bill No. 6 on

the board of barbering fee fund is hereby increased from \$108,200 to \$124,092.

(c) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 5(a) of 2003 Senate Bill No. 6 on the board of barbering fee fund is hereby increased from \$116,147 to \$117,076.

Sec. 40.

KANSAS PAROLE BOARD

(a) On the effective date of this act, of the \$531,640 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 117(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the parole from adult correctional institutions account, the sum of \$14,805 is hereby lapsed.

(b) On July 1, 2003, of the \$486,102 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 72(a) of 2003 Senate Bill No. 6 from the state general fund in the parole from adult correctional institutions account, the sum of \$57,157 is hereby lapsed.

Sec. 41.

JUVENILE JUSTICE AUTHORITY

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

Operating expenditures	
For the fiscal year ending June 30, 2004.....	\$21,324
Management information systems	
For the fiscal year ending June 30, 2004.....	\$5,321
Topeka juvenile correctional facility operations	
For the fiscal year ending June 30, 2004.....	\$103,128
Beloit juvenile correctional facility operations	
For the fiscal year ending June 30, 2004.....	\$37,048
Atchison juvenile correctional facility operations	
For the fiscal year ending June 30, 2004.....	\$42,063
Larned juvenile correctional facility operations	
For the fiscal year ending June 30, 2004.....	\$59,295

(b) During the fiscal year ending June 30, 2004, in any case where an allotment system has been applied during fiscal year 2004 to appropriations of the juvenile justice authority from the children's initiative fund for fiscal year 2004 for intervention and graduated sanctions community grants, pursuant to K.S.A. 75-3722 and amendments thereto, and any local district receiving an intervention and graduated sanctions community grant has such grant reduced under such allotment which causes any reduction in the core programming of such local district, such local district may make expenditures for such core programming from moneys received from moneys appropriated from the children's initiatives fund for fiscal year 2004 for the juvenile justice authority for prevention program grants, notwithstanding any provision of any statute or any grant agreement to the contrary.

Sec. 42.

BOARD OF ACCOUNTANCY

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 3(a) of 2003 Senate Bill No. 6 on the accountancy fee fund is hereby increased from \$229,318 to \$230,875.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 3(a) of 2003 Senate Bill No. 6 on the board of accountancy fee fund is hereby increased from \$247,178 to \$248,947.

Sec. 43.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 8(a) of 2003 Senate Bill No. 6 on the cosmetology fee fund is hereby increased from \$646,361 to \$651,297.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 8(a) of 2003 Senate Bill No. 6 on the cosmetology fee fund is hereby increased from \$709,827 to \$715,727.

Sec. 44.

STATE BOARD OF MORTUARY ARTS

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 11(a) of 2003 Senate Bill No. 6 on the mortuary arts fee fund is hereby increased from \$213,457 to \$215,248.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 11(a) of 2003 Senate Bill No. 6 on the mortuary arts fee fund is hereby increased from \$232,754 to \$234,785.

Sec. 45.

STATE BOARD OF REGENTS

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

Operating expenditures (including official hospitality)  
 For the fiscal year ending June 30, 2004..... \$67,716

Operating grant  
 For the fiscal year ending June 30, 2004..... \$5,686,713

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

National guard educational assistance  
 For the fiscal year ending June 30, 2004..... \$250,000  
 For the fiscal year ending June 30, 2005..... \$250,000

Alternative teacher certification  
 For the fiscal year ending June 30, 2004..... \$450,000

*Provided*, That the state board of regents is hereby authorized to transfer moneys from this account to an account or accounts of the restricted fees fund of Emporia state university, Fort Hays state university or Pittsburg state university.

Comprehensive grant program  
 For the fiscal year ending June 30, 2004..... \$711,000

Payment to KPERS  
 For the fiscal year ending June 30, 2004..... \$2,000,000

Southwest Kansas access project  
 For the fiscal year ending June 30, 2004..... \$200,000

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

(b) In addition to the other purposes for which expenditures may be made by the state board of regents for fiscal year 2004, expenditures shall be made by the above agency to assure that each university under the jurisdiction and control of the state board of regents develops a policy on the use of sexually explicit materials, including videos, as part of the curriculum of human sexuality classes or other similar classes for undergraduate students, a policy on teaching about the issue of pedophilia as part of such classes and a policy on sexual harassment as it relates to teaching such classes: *Provided*, That such policies shall be developed and implemented prior to January 12, 2004, and the state board of regents shall keep on file a current copy of such policies and make them available to the public upon request.

(c) In addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for the state board of regents authorized by this or other appropriation act of the 2003 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the state board of regents for fiscal year 2004 from the moneys appropriated from the state general fund or any special revenue fund for development, adoption and implementation of a policy and any necessary administrative procedures to provide a waiver of all tuition, fees and other charges for enrollment without charge of tuition or fees for each person who was a prisoner of war while serving in any military service of the United States of America, who is a resident of Kansas and who is enrolled at a state educational institution under the control and supervision of the state board of regents, so long as such person is eligible for such enrollment, but not to exceed

12 semesters of instruction or the equivalent thereof, at any such state educational institution: *Provided*, That, as used in this subsection, “military service of the United States of America” includes any active service in any armed service of the United States of America and any member of the Kansas army or air national guard in active federal service and “prisoner of war” means an individual who is a prisoner of war under Article 4 of the third Geneva Convention and any individual who is in military service of the United States of America in an armed conflict and who is taken prisoner by opposing forces, whether or not under an official declaration of war, including the recent armed conflicts in Iraq, Afghanistan, Kuwait, Herzegovina and Bosnia.

(d) (1) The director of accounts and reports shall not make the transfer of amounts designated by the chief executive officer of the state board of regents from accounts of the state general fund or special revenue funds at universities under the control of the state board of regents to the regents clearing fund of the state board of regents which was authorized to be made by section 67(g) of 2003 Senate Bill No.6 and, on the effective date of this act, the provisions of section 67(g) of 2003 Senate Bill No.6 are hereby declared to be null and void and shall have no force and effect.

(2) (A) The director of accounts and reports (i) shall not make the transfer of \$711,000 from the regents clearing fund of the state board of regents to the comprehensive grant discontinued attendance fund of the state board of regents which was directed to be made by section 67(h) of 2003 Senate Bill No.6, and (ii) shall not make the transfer of the remaining balance in the regents clearing fund of the state board of regents which is in excess of \$41,250 to state general fund accounts or special revenue funds of state universities under the control of the state board of regents which was directed to be made by section 67(h) of 2003 Senate Bill No. 6.

(B) On the effective date of this act, the provisions of section 67(h) of 2003 Senate Bill No.6 are hereby declared to be null and void and shall have no force and effect.

Sec. 46.

#### UNIVERSITY OF KANSAS

(a) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall make one or more transfers from the construction defects recovery fund of the department of administration to the restricted fees fund of the university of Kansas: *Provided*, That any such transfer from the construction defects recovery fund of the department of administration shall be only from amounts available in such fund which are in excess of an amount certified by the director of the division of the budget as being in excess of 150% of the amounts required to meet known and reasonably anticipated expenditures from construction defects recovery fund of the department of administration: *Provided further*, That such transfer or transfers from the construction defects recovery fund of the department of administration to the restricted fees fund of the university of Kansas during the fiscal year ending June 30, 2004, shall not exceed an aggregate of \$530,500.

(b) In addition to the other purposes for which expenditures may be made by the university of Kansas from housing authority funds for fiscal year 2004 as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for finance grants for the capital improvement project to convert living units to suites in Hashinger residence hall at the university of Kansas: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the money received from the issuance of any such bonds for such capital improvement project: *Provided however*, That expenditures from the money received from the issuance of any such bonds for such capital improvement project shall not exceed \$12,600,000 plus all amounts required for costs

of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(c) On July 1, 2003, of the \$125,325,537 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 64(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$477,253 is hereby lapsed.

(d) On July 1, 2003, of the \$5,897,047 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 64(a) of 2003 Senate Bill No. 6 from the state general fund in the geological survey account, the sum of \$31,937 is hereby lapsed.

Sec. 47.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On July 1, 2003, of the \$97,312,648 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 65(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$51,856 is hereby lapsed.

(b) On July 1, 2003, the \$700,000 appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2004, by section 65(f) of 2003 Senate Bill No. 6 in the pediatric biomedical research account is hereby lapsed.

Sec. 48.

KANSAS STATE UNIVERSITY

(a) On July 1, 2003, of the \$100,901,836 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 59(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$508,174 is hereby lapsed.

Sec. 49.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) On July 1, 2003, of the \$9,545,175 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 61(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$56,191 is hereby lapsed.

Sec. 50.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) On July 1, 2003, of the \$17,502,220 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 60(a) of 2003 Senate Bill No. 6 from the state general fund in the cooperative extension service (including official hospitality) account, the sum of \$194,780 is hereby lapsed.

(b) On July 1, 2003, of the \$28,212,396 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 60(a) of 2003 Senate Bill No. 6 from the state general fund in the agricultural experiment stations (including official hospitality) account, the sum of \$120,489 is hereby lapsed.

Sec. 51.

WICHITA STATE UNIVERSITY

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 2004.....	\$91,796

Sec. 52.

EMPORIA STATE UNIVERSITY

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

National board certification/future teacher academy

For the fiscal year ending June 30, 2004..... \$150,000

(b) On July 1, 2003, of the \$28,981,556 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 62(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$244,158 is hereby lapsed.

Sec. 53.

FORT HAYS STATE UNIVERSITY

(a) On July 1, 2003, of the \$30,179,531 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 58(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$209,828 is hereby lapsed.

Sec. 54.

PITTSBURG STATE UNIVERSITY

(a) On July 1, 2003, of the \$31,826,710 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 63(a) of 2003 Senate Bill No. 6 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$249,634 is hereby lapsed.

Sec. 55.

ATTORNEY GENERAL

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

Operating expenditures

For the fiscal year ending June 30, 2004..... \$38,090

Additional operating expenditures for investigation and litigation regarding interstate water rights

For the fiscal year ending June 30, 2003..... \$83,941

For the fiscal year ending June 30, 2004..... \$605,000

(b) During the fiscal year ending June 30, 2004, of the aggregate amount of fines, penalties and forfeitures remitted each month to the state treasurer by the clerks of the district courts, the state treasurer shall credit (1) the amount equal to 1% of each such aggregate monthly remittance to the crime victims compensation fund; and (2) the amount equal to 1% of each such aggregate monthly remittance to the crime victims assistance fund: *Provided*, That all moneys credited to the crime victims compensation fund pursuant to this subsection shall be in addition to all other amounts credited to the crime victims compensation fund as prescribed by K.S.A. 74-7336 and amendments thereto or by any other statute: *Provided further*, That all moneys credited to the crime victims assistance fund pursuant to this subsection shall be in addition to all other amounts credited to the crime victims assistance fund as prescribed by K.S.A. 20-367 and 74-7336 and amendments thereto or by any other statute.

(c) During the fiscal year ending June 30, 2004, grants made pursuant to K.S.A. 74-7325 and amendments thereto from the protection from abuse fund and grants made pursuant to K.S.A. 74-7334 and amendments thereto from the crime victims assistance fund shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

Sec. 56.

DEPARTMENT OF EDUCATION

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

Operating expenditures (including official hospitality)

For the fiscal year ending June 30, 2004..... \$70,959



General state aid	
For the fiscal year ending June 30, 2003.....	\$4,000
For the fiscal year ending June 30, 2004.....	\$2,901,000
Supplemental general state aid	
For the fiscal year ending June 30, 2004.....	\$367,000
Kansas foundation for agriculture project grant	
For the fiscal year ending June 30, 2004.....	\$35,000

*Provided*, That expenditures from the Kansas foundation for agriculture project grant account shall be used for agriculture in the classroom programs to supplement existing elementary and secondary curricula with agricultural information; *Provided further*, That expenditures from this account shall be made only if private funding sources are available to match such state grants on a 60% state and 40% private basis.

(b) On July 1, 2003, of the \$138,940,758 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 52(a) of 2003 Senate Bill No. 6 from the state general fund in the KPERS—employer contributions account, the sum of \$2,802,655 is hereby lapsed.

(c) Notwithstanding the provisions of K.S.A. 74-4967, and amendments thereto, payments made by the department of education from the KPERS—employer contributions account of the state general fund during the fiscal year ending June 30, 2004, for payment of fiscal year 2003 employer contribution obligations to the Kansas public employees retirement system as authorized by section 52(a) of 2003 Senate Bill No. 6, shall not be considered delinquent and shall not be subject to interest thereon.

(d) On June 30, 2003, of the \$1,789,496,000 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 97(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$183,534,410 is hereby lapsed.

(e) On June 30, 2003, of the \$125,895,000 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 97(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the supplemental general state aid account, the sum of \$29,465,590 is hereby lapsed.

Sec. 57.

STATE HISTORICAL SOCIETY

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

Operating expenditures	
For the fiscal year ending June 30, 2004.....	\$51,435

Sec. 58.

JUDICIAL BRANCH

(a) On the effective date of this act, of the \$82,631,504 appropriated for the judicial branch for the fiscal year ending June 30, 2004, by section 35(a) of 2003 Senate Bill No. 6 from the state general fund in the judiciary operations account, the sum of \$96,075 is hereby lapsed.

Sec. 59.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 20(a) of 2003 Senate Bill No. 6 on the veterinary examiners fee fund is hereby increased from \$239,223 to \$256,042.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 20(a) of 2003 Senate Bill No. 6 on the veterinary examiners fee fund is hereby increased from \$214,047 to \$281,217.

Sec. 60.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures—veterans affairs	
For the fiscal year ending June 30, 2004.....	\$18,008
Operations—state veterans cemeteries	
For the fiscal year ending June 30, 2004.....	\$1,810

Operating expenditures—Kansas soldiers' home	
For the fiscal year ending June 30, 2004.....	\$12,076
Operating expenditures—Kansas veterans' home	
For the fiscal year ending June 30, 2004.....	\$16,755
Additional operating expenditures—Kansas soldiers' home and Kansas veterans' home	
For the fiscal year ending June 30, 2004.....	\$250,000
For the fiscal year ending June 20, 2005.....	\$250,000

*Provided*, That expenditures from the additional operating expenditures—Kansas soldiers' home and Kansas veterans' home account of the state general fund shall be made for the purposes of increasing the census at the Kansas soldiers' home and the census at the Kansas veterans' home and maximizing the ability of the Kansas commission on veterans affairs to qualify for additional federal department of veterans affairs per diem funding.

Sec. 61.

KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures	
For the fiscal year ending June 30, 2004.....	\$96,478

(b) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the dairy fee fund is hereby increased from \$451,507 to \$454,486.

(c) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the meat and poultry inspection fee fund is hereby increased from \$65,168 to \$65,552.

(d) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the wheat quality survey fund is hereby increased from \$33,500 to \$33,753.

(e) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the entomology fee fund is hereby increased from \$187,035 to \$187,750.

(f) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the water structures—state highway fund is hereby increased from \$90,890 to \$91,805.

(g) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the water appropriation certification fund is hereby increased from \$654,252 to \$656,432.

(h) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the agriculture seed fee fund is hereby increased from \$63,750 to \$64,214.

(i) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the chemigation fee fund is hereby increased from \$172,521 to \$174,165.

(j) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the petroleum inspection fee fund is hereby increased from \$634,040 to \$636,562.

(k) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the warehouse fee fund is hereby increased from \$519,489 to \$524,204.

(l) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the agricultural chemical fee fund is hereby increased from \$526,923 to \$530,859.

(m) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the feeding stuffs fee fund is hereby increased from \$467,764 to \$472,009.

(n) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the fertilizer fee fund is hereby increased from \$362,621 to \$365,687.

(o) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the pesticide use fee fund is hereby increased from \$696,082 to \$702,626.

(p) On July 1, 2003, the expenditure limitation established by section 77(b) of 2003 Senate Bill No. 6 on the egg fee fund is hereby increased from \$93,317 to \$94,055.

(q) On July 1, 2003, the expenditure limitation established by section

77(b) of 2003 Senate Bill No. 6 on the water structures fund is hereby increased from \$82,600 to \$83,244.

Sec. 62.

KANSAS ANIMAL HEALTH DEPARTMENT

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

Operating expenditures  
For the fiscal year ending June 30, 2004..... \$4,672

Sec. 63.

STATE CONSERVATION COMMISSION

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

Operating expenditures  
For the fiscal year ending June 30, 2004..... \$6,343

Sec. 64.

KANSAS WATER OFFICE

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

Water resources operating expenditures  
For the fiscal year ending June 30, 2004..... \$14,262

(b) During the fiscal year ending June 30, 2004, the director of the Kansas water office, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2004 from the state water plan fund for the Kansas water office: *Provided, however,* That the director of the Kansas water office shall certify such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

Sec. 65.

STATE TREASURER

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

Operating expenditures  
For the fiscal year ending June 30, 2004..... \$250,000

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

Fiscal agency fund	
For the fiscal year ending June 30, 2004.....	No limit
Bond services fee fund	
For the fiscal year ending June 30, 2004.....	No limit
City bond finance fund	
For the fiscal year ending June 30, 2004.....	No limit
Taylor grazing fees—federal fund	
For the fiscal year ending June 30, 2004.....	No limit
Local ad valorem tax reduction fund	
For the fiscal year ending June 30, 2004.....	No limit
County and city revenue sharing fund	
For the fiscal year ending June 30, 2004.....	No limit
Suspense fund	
For the fiscal year ending June 30, 2004.....	No limit
County and city retailers' sales tax fund	
For the fiscal year ending June 30, 2004.....	No limit
County and city compensating use tax fund	
For the fiscal year ending June 30, 2004.....	No limit
Local alcoholic liquor fund	
For the fiscal year ending June 30, 2004.....	No limit
Local alcoholic liquor equalization fund	
For the fiscal year ending June 30, 2004.....	No limit
Unclaimed property claims fund	
For the fiscal year ending June 30, 2004.....	No limit
Unclaimed property expense fund	
For the fiscal year ending June 30, 2004.....	No limit

*Provided,* That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.

Unclaimed property fee fund	
For the fiscal year ending June 30, 2004.....	No limit
County and city transient guest tax fund	
For the fiscal year ending June 30, 2004.....	No limit
Road and schools—10 U.S.C. 2655 federal fund	
For the fiscal year ending June 30, 2004.....	No limit
Racing admissions tax fund	
For the fiscal year ending June 30, 2004.....	No limit
Rental motor vehicle excise tax fund	
For the fiscal year ending June 30, 2004.....	No limit
Metropolitan culture district retailers' sales tax fund	
For the fiscal year ending June 30, 2004.....	No limit
Redevelopment bond fund	
For the fiscal year ending June 30, 2004.....	No limit
Services reimbursement fund	
For the fiscal year ending June 30, 2004.....	No limit

*Provided*, That the state treasurer is hereby authorized to fix, charge and collect a cash management fee for services provided by the state treasurer for banking services and for processing warrants and direct deposits except that payroll warrants shall not be subject to any fee prescribed by this section: *Provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That fees fixed by the state treasurer for services provided by the state treasurer in providing banking services shall be fixed to collect an estimated aggregate amount not to exceed the actual transaction costs for the fiscal year ending June 30, 2004: *And provided further*, That fees fixed by the state treasurer for processing warrants and direct deposits shall be fixed to collect an estimated aggregate amount not to exceed \$979,303 for the fiscal year ending June 30, 2004: *And provided further*, That the state treasurer is hereby authorized to fix, charge and collect a voucher processing fee for services provided by the state treasurer in processing vouchers and maintaining the voucher system: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That fees fixed by the state treasurer for services provided by the state treasurer in processing vouchers and maintaining the voucher system shall be fixed to collect an estimated aggregate amount not to exceed \$180,000 for the fiscal year ending June 30, 2004: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury and credited to the services reimbursement fund: *And provided further*, That expenditures from this fund may be made for operating expenditures for the state treasurer's office: *And provided further*, That during the fiscal year ending June 30, 2004, the director of accounts and reports shall transfer to the services reimbursement fund of the state treasurer one or more amounts certified by the state treasurer, for expenses incurred for warrants issued and processed and electronic transactions processed for the department of human resources payable from the employment security fund, from moneys made available to the state under section 903(d) of the federal social security act, as amended, and credited to the employment security fund, except that the aggregate of such amounts transferred shall not exceed \$451,000.

Municipal investment pool fund	
For the fiscal year ending June 30, 2004.....	No limit
Pooled money investment portfolio fee fund	
For the fiscal year ending June 30, 2004.....	No limit

*Provided*, That on or before the fifth day of each month of the fiscal year ending June 30, 2004, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further*, That prior to the 10th day of each month during the fiscal year ending June 30, 2004, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the

pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board.

Kansas postsecondary education savings program trust fund	
For the fiscal year ending June 30, 2004.....	No limit
Kansas postsecondary education savings program expense fund	
For the fiscal year ending June 30, 2004.....	No limit
Conversion of materials and equipment fund	
For the fiscal year ending June 30, 2004.....	No limit
Tax increment financing revenue replacement fund	
For the fiscal year ending June 30, 2004.....	No limit

(c) On or before June 30, 2004, upon receipt of a certification by the state treasurer specifying the amounts and designating special revenue funds of the state treasurer therefor, the director of accounts and reports shall transfer \$250,000 from one of more special revenue funds of the state treasurer in accordance with such certification to reimburse the state general fund for operating expenditures funded by moneys appropriated for the state treasurer from the state general fund by this act.

(d) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for fiscal year 2004, made in this or other appropriation act of the 2003 regular session of the legislature for the state treasurer shall not exceed 55.5 except upon approval by the state finance council.

Sec. 66.

#### STATE BOARD OF HEALING ARTS

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 7(a) of 2003 Senate Bill No. 6 on the healing arts fee fund is hereby increased from \$1,959,816 to \$2,275,567: *Provided*, That in addition to the other purposes for which expenditures may be made by the state board of healing arts from moneys appropriated from the healing arts fee fund for the fiscal year ending June 30, 2004, by this or other appropriation act of the 2003 regular session of the legislature, expenditures of \$300,000 shall be made for information technology projects.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 7(a) of the 2003 Senate Bill No. 6 on the healing arts fee fund is hereby increased from \$2,084,707 to \$2,352,714: *Provided*, That in addition to the other purposes for which expenditures may be made by the state board of healing arts from moneys appropriated from the healing arts fee fund for the fiscal year ending June 30, 2005, by this or other appropriation act of the 2003 regular session of the legislature, expenditures of \$250,000 shall be made for information technology projects.

Sec. 67.

#### KANSAS DENTAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 17(a) of chapter 204 of the 2002 Session Laws of Kansas on the dental board fee fund is hereby increased from \$328,839 to \$336,880.

(b) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 10(a) of 2003 Senate Bill No. 6 on the dental board fee fund is hereby increased from \$316,519 to \$317,870.

(c) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 10(a) of 2003 Senate Bill No. 6 on the dental board fee fund is hereby increased from \$342,272 to \$343,809.

Sec. 68.

#### KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING AIDS

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 12(a) of 2003 Senate Bill No. 6 on the hearing aid board fee fund is hereby increased from \$18,702 to \$18,870.

(b) On July 1, 2004, the expenditure limitation established for fiscal year ending June 30, 2005, by section 12(a) of 2003 Senate Bill No. 6 on the hearing aid board fee fund is hereby increased from \$21,486 to \$21,699.

Sec. 69.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 14(a) of 2003 Senate Bill No. 6 on the optometry fee fund is hereby increased from \$104,373 to \$104,970.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 14(a) of 2003 Senate Bill No. 6 on the optometry fee fund is hereby increased from \$111,616 to \$112,292.

Sec. 70.

STATE BOARD OF PHARMACY

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 15(a) of 2003 Senate Bill No. 6 on the state board of pharmacy fee fund is hereby increased from \$582,222 to \$586,872.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 15(a) of 2003 Senate Bill No. 6 on the state board of pharmacy fee fund is hereby increased from \$628,333 to \$633,604.

Sec. 71.

KANSAS GUARDIANSHIP PROGRAM

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

Operating expenditures (including official hospitality)  
 For the fiscal year ending June 30, 2004..... \$36,194

Sec. 72.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Cash assistance  
 For the fiscal year ending June 30, 2004..... \$681,842  
 Other medical assistance  
 For the fiscal year ending June 30, 2003..... \$2,020,832  
 Youth services aid and assistance  
 For the fiscal year ending June 30, 2004..... \$1,540,411  
 Mental health and retardation services aid and assistance  
 For the fiscal year ending June 30, 2003..... \$3,688,308  
 State operations  
 For the fiscal year ending June 30, 2004..... \$652,028  
 Kansas neurological institute—operating expenditures  
 For the fiscal year ending June 30, 2004..... \$93,150  
 Larned state hospital—operating expenditures  
 For the fiscal year ending June 30, 2003..... \$1,370  
 For the fiscal year ending June 30, 2004..... \$172,682  
 Larned state hospital—sexual predator treatment program  
 For the fiscal year ending June 30, 2004..... \$38,606  
 Osawatomie state hospital—operating expenditures  
 For the fiscal year ending June 30, 2004..... \$48,135  
 Parsons state hospital and training center—operating expenditures  
 For the fiscal year ending June 30, 2003..... \$2,756  
 For the fiscal year ending June 30, 2004..... \$75,001  
 Rainbow mental health facility—operating expenditures  
 For the fiscal year ending June 30, 2004..... \$33,406  
 Community based services  
 For the fiscal year ending June 30, 2004..... \$2,537,902

(b) During the fiscal year ending June 30, 2004, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC—medicaid assistance—NF account of the state general fund of the department on aging to the LTC—medicaid assistance—HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such transfers shall be certified by the director of the budget on December 1, 2003, and on June 1, 2004, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*, That the aggregate of all such

transfers certified during fiscal year 2004 shall not exceed the amount required to support the movement of 75 individuals from nursing facilities to home and community-based services: *And provided further*, That each of the 75 individuals must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*, That the director of the budget shall transmit a copy of each such certification to the director of the legislative research department.

(c) On the effective date of this act, of the \$323,920 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 15(a) of 2003 House Bill No. 2026 from the state general fund in the cash assistance account, the sum of \$17,511 is hereby lapsed.

(d) On the effective date of this act, of the \$70,738,364 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 95(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the youth services aid and assistance account, the sum of \$377,743 is hereby lapsed.

(e) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 50(b) of 2003 Senate Bill No. 6 on the social welfare fund is hereby increased from \$46,179,103 to \$47,013,674.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 95(b) of chapter 204 of the 2002 Session Laws of Kansas on the child welfare services block grant federal fund is hereby increased from \$5,904,870 to \$6,075,615.

(g) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 50(b) of 2003 Senate Bill No. 6 on the alcohol and drug abuse block grant—federal fund is hereby increased from \$12,184,265 to \$12,189,245.

(h) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 50(b) of 2003 Senate Bill No. 6 on the social services block grant—federal fund is hereby increased from \$23,134,390 to \$23,183,849.

(i) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 50(b) of 2003 Senate Bill No. 6 on the mental health block grant federal fund is hereby increased from \$3,436,330 to \$3,437,877.

(j) On July 1, 2003, the expenditure limitation established for the year ending June 30, 2004, by section 50(b) of 2003 Senate Bill No. 6 on the Title XIX fund is hereby increased from \$44,360,825 to \$44,823,173.

(k) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 50(b) of 2003 Senate Bill No. 6 on the neurological institute fee fund is hereby increased from \$1,044,781 to \$1,054,716.

(l) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 50(b) of 2003 Senate Bill No. 6 on the Larned state hospital fee fund is hereby increased from \$1,675,160 to \$1,680,443.

(m) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 50(b) of 2003 Senate Bill No. 6 on the Osawatomie state hospital fee fund is hereby increased from \$2,988,456 to \$3,023,360.

(n) On the effective date of this act, of the \$3,500,000 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 50(c) of 2003 Senate Bill No. 6 from the children's initiatives fund in the children's cabinet early childhood discretionary account, the sum of \$300,000 is hereby lapsed.

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

Children's cabinet administration

For the fiscal year ending June 30, 2004..... \$250,000

(p) The department of social and rehabilitation services shall make disproportionate share payments to any out-of-state hospital, otherwise eligible for such funds under federal and state law, that maintains a licensed branch hospital within the state of Kansas.

(q) On the effective date of this act, of the \$349,141,838 appropriated for the above agency for the fiscal year ending June 30, 2004, by section 50(a) of 2003 Senate Bill No. 6 from the state general fund in the other medical assistance account, the sum of \$3,420,191 is hereby lapsed.

(r) During the fiscal year ending June 30, 2004, of the expenditures authorized by section 50 of 2003 Senate Bill No. 6 for HCBS/MRDD services, reimbursement rates for consumers with documented extraordinary needs who currently receive, have been approved for or leave a state institution or private institutional setting and are approved for special tier or individualized rates shall be maintained at a level no lower than the rate of reimbursement for these consumers on July 1, 2002: *Provided, however,* That, nothing in this subsection shall prohibit a reduction or guarantee an increase in the reimbursement rate for consumers with documented extraordinary needs because of a change as a result of the annual basis assessment: *Provided further,* That any reductions in the HCBS/MRDD funding in fiscal year 2004 shall be implemented based on information and recommendations obtained in the most recent rate study required under subsection (a)(3) of K.S.A. 39-1806 and amendments thereto.

(s) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 to collect data and prepare a report which shall be submitted to the legislature during the 2004 regular session on the impact of pharmaceutical prior authorization under the state medicaid plan on patients, providers and utilization of other medicaid services: *Provided,* That such report shall be delivered to the speaker of the house of representatives and the president of the senate no later than January 15, 2004: *Provided further,* That such report shall include (1) the number of patient and provider complaints received by the department of social and rehabilitation services, (2) any change in the number of physicians and other providers serving medicaid recipients, (3) the record of prior authorization response approvals, disapprovals and the response times therefor, (4) any evidence of any adverse clinical outcomes resulting from pharmaceutical prior authorization, (5) the costs in time and money of implementing pharmaceutical prior authorization, and (6) other information pertinent to the effect of the use of prior authorization for pharmaceutical products.

(t) During the fiscal year ending June 30, 2003, no expenditures shall be made by the department of social and rehabilitation services from the state operations account of the state general fund for closure of any local SRS area offices other than the local SRS area offices located in the cities of Cottonwood Falls, Ashland, Clay Center, Burlington, Coldwater, Ellsworth, Ulysses, Cimarron, Tribune, Mankato, Lakin, Dighton, Lincoln, Beloit, Seneca, Ness City, Minneapolis, Belleville, Johnson City, Alma, Washington and Yates Center: *Provided,* That the legislature shall review the local SRS area office closure process and additional closure recommendations of the department of social and rehabilitation services during the 2004 regular session of the legislature: *Provided further,* That the secretary of social and rehabilitation services shall report to the legislative budget committee during the 2003 interim should the secretary deem circumstances to warrant the closure of additional offices during the 2003 interim session: *And provided further,* That the legislative budget committee shall review the closure process for local SRS area offices and these additional recommendations: *And provided further,* That the department of social and rehabilitation services shall continue to develop service access points and distribute staff related to the redesign of local service delivery and workload requirements.

(u) (1) During the fiscal year ending June 30, 2003, the position limitation established by section 131(a) of chapter 204 of the 2002 Session Laws of Kansas for Larned State Hospital of 725.8 full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, shall not be exceeded, except upon approval of the state finance council.



(2) On July 1, 2003, the position limitation established by section 85(a) of 2003 Senate Bill No. 6 for Larned State Hospital is hereby increased from 663.0 to 792.8.

(v) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2004 to prepare and submit an application for a federal waiver to increase the look-back period for the transfer of assets in determining medicaid eligibility from 3 years to 5 years.

Sec. 73.

DEPARTMENT ON AGING

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

Administration	
For the fiscal year ending June 30, 2004.....	\$5,358
Administration—assessments	
For the fiscal year ending June 30, 2004.....	\$1,072
Administration—Medicaid	
For the fiscal year ending June 30, 2004.....	\$16,716
Administration—older Americans act match	
For the fiscal year ending June 30, 2004.....	\$2,114
Nursing facilities regulation	
For the fiscal year ending June 30, 2004.....	\$8,704
Nursing facilities regulation	
For the fiscal year ending June 30, 2004.....	\$270,665
LTC—medicaid assistance—HCBS/FE	
For the fiscal year ending June 30, 2004.....	\$2,925,294

(b) On July 1, 2003, the position limitation established by section 85(a) of 2003 Senate Bill No. 6 for the department on aging is hereby decreased from 233.0 to 221.0.

(c) The director of accounts and reports shall not make the transfer of \$180,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department on aging which was directed to be made on July 1, 2003, by section 49(f) of 2003 Senate Bill No. 6.

(d) In addition to the other purposes for which expenditures may be made by the department on aging from the senior care act account of the state general fund for fiscal year 2004 as authorized by section 49(a) of 2003 Senate Bill No. 6, expenditures shall be made by the above agency from the senior care act account of the state general fund for fiscal year 2004 for the senior companion program: *Provided*, That expenditures for such purpose from the senior care act account of the state general fund for fiscal year 2004 shall not exceed \$25,000.

(e) During the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, the secretary of aging shall allocate the moneys appropriated for the department on aging from the state general fund program grants for the in-home nutrition program in excess of any appropriation required to match federal funds under the federal older Americans act during each such fiscal year so that no area agency on aging receives an aggregate amount of moneys from the state general fund for the federal older Americans act nutrition program for such fiscal year that is less than 92% of the aggregate amount received by such area agency on aging for the immediately preceding fiscal year.

~~(f) During the fiscal year ending June 30, 2004, the secretary of aging shall make expenditures from the moneys appropriated for fiscal year 2004 from the state general fund for the department on aging in the LTC—medicaid assistance—HCBS/FE account to reduce the HCBS/FE medicaid waiver waiting list. *Provided*, That expenditures from the LTC—medicaid assistance—HCBS/FE account to reduce the HCBS/FE medicaid waiver waiting list shall not be less than \$2,925,294.~~

Sec. 74.

JUDICIAL COUNCIL

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

Judicial council fund

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

(b) In addition to the other purposes for which expenditures may be made by the judicial council from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2004, by this or any other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the judicial council to study the issue of board of indigents defense services expenditures for death penalty defense cases. Such study shall make comparison with other states that have recently executed individuals and include information on the manner in which those states addressed associated indigent defense costs in death penalty cases. Such study shall include an examination of the effect of recent United States supreme court decisions, including *Atkins v. Virginia*, 122 S. Ct. 2242 (2002), on state statutory and constitutional law concerning execution of developmentally disabled persons.

Sec. 75.

STATE BOARD OF TAX APPEALS

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

Operating expenditures

For the fiscal year ending June 30, 2004..... \$9,760

(b) On July 1, 2003, the expenditure limitation established by section 41(b) of 2003 Senate Bill No. 6 on the BOTA filing fee fund is hereby increased from \$300,000 to \$303,538.

(c) During the fiscal year ending June 30, 2004, on the date that the aggregate amount of revenue credited to the BOTA filing fee fund is equal to or exceeds \$300,000, as certified by the executive director of the state board of tax appeals to the director of accounts and reports, the expenditure limitation for the BOTA filing fee fund for fiscal year 2004 shall be increased by \$36,802.

Sec. 76.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 6(a) of 2003 Senate Bill No. 6 on the behavioral sciences regulatory board fee fund is hereby increased from \$492,147 to \$496,053.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 6(a) of 2003 Senate Bill No. 6 on the behavioral sciences regulatory board fee fund is hereby increased from \$536,449 to \$540,883.

Sec. 77.

BOARD OF NURSING

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 13(a) of 2003 Senate Bill No. 6 on the board of nursing fee fund is hereby increased from \$1,327,001 to \$1,338,001.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 13(a) of 2003 Senate Bill No. 6 on the board of nursing fee fund is hereby increased from \$1,425,835 to \$1,438,267.

Sec. 78.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 19(a) of 2003 Senate Bill No. 6 on the technical professions fee fund is hereby increased from \$523,044 to \$525,936.

(b) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 19(a) of 2003 Senate Bill No. 6 on

the technical professions fee fund is hereby increased from \$556,422 to \$559,699.

Sec. 79.

GOVERNMENTAL ETHICS COMMISSION

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

Operating expenditures

For the fiscal year ending June 30, 2004.....	\$3,978
For the fiscal year ending June 30, 2005.....	\$4,038

(b) On July 1, 2003, the expenditure limitation established for the fiscal year ending June 30, 2004, by section 21(b) of 2003 Senate Bill No. 6 on the governmental ethics commission fee fund is hereby increased from \$129,871 to \$131,427.

(c) On July 1, 2004, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 21(b) of 2003 Senate Bill No. 6 on the governmental ethics commission fee fund is hereby increased from \$130,892 to \$132,449.

(d) On and after the effective date of this act, during the fiscal year ending June 30, 2003, or the fiscal year ending June 30, 2004, notwithstanding the provisions of subsection (i)(2) of K.S.A. 25-4186 and amendments thereto, of the amount of residual funds that are remitted to the state treasurer before the filing of a termination report pursuant to subsection (i) of K.S.A. 25-4186 and amendments thereto, after depositing such remittance in the state treasury and after crediting the amount prescribed to be credited to the inaugural expense fund of the adjutant general pursuant to subsection (i)(1) of K.S.A. 25-4186 and amendments thereto, the state treasurer (1) shall not credit any remaining balance to the governmental ethics commission fee fund of the governmental ethics commission, and (2) shall credit the entire amount of any such remaining balance to the state general fund.

Sec. 80.

SECRETARY OF STATE

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

Operating expenditures

For the fiscal year ending June 30, 2004.....	\$5,465
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HAVA match

For the fiscal year ending June 30, 2004.....	\$225,000
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

HAVA federal fund

For the fiscal year ending June 30, 2003.....	No limit
For the fiscal year ending June 30, 2004.....	No limit

(c) During the fiscal year ending June 30, 2004, all expenditures by the secretary of state from the democracy fund shall be to provide matching funds to implement title II of the federal help America vote act of 2002, public law 107-252, as prescribed under such act.

(d) In addition to the other purposes for which expenditures may be made by the secretary of state from moneys appropriated for the secretary of state from the state general fund or any special revenue fund for fiscal year 2004 as authorized by this or any other appropriation act of the 2003 regular session of the legislature, expenditures may be made by the secretary of state to fix, charge and collect a fee from each county in the state to provide part of the matching moneys required for the implementation of title II of the federal help America vote act of 2002, public law 107-252: *Provided*, That such fee shall be fixed for each county in an amount proportional to the voting age population of the county as prescribed by the 2000 decennial census, except that such fee shall be not less than \$250 for any county: *Provided further*, That such fees shall be fixed to provide an aggregate amount of not to exceed the amount equal to 2% of the aggregate amount of federal moneys for title II of the federal help America vote act of 2002, public law 107-252: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury and credited to the democracy fund: *And provided further*, That

all such fees imposed on such counties shall be remitted to the secretary of state on or before June 30, 2004.

(e) In addition to the other purposes for which expenditures may be made by the secretary of state from moneys appropriated in the operating expenditures account of the state general fund for fiscal year 2004 as authorized by this or any other appropriation act of the 2003 regular session of the legislature, expenditures may be made by the secretary of state for fiscal year 2004 to provide part of the state matching requirement for the implementation of title II of the federal help America vote act of 2002, public law 107-252.

Sec. 81.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) On July 1, 2003, the expenditure limitation established by section 32(b) of 2003 Senate Bill No. 6 on the operating expenditures account of the health care stabilization fund is hereby increased from \$1,047,954 to \$1,056,882.

(b) The director of accounts and reports shall not make the transfer of \$57,385 from the health care stabilization fund of the health care stabilization fund board of governors to the state general fund which was directed to be made on July 1, 2003, by section 32(c) of 2003 Senate Bill No. 6.

Sec. 82.

KANSAS STATE SCHOOL FOR THE BLIND

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

Operating expenditures  
For the fiscal year ending June 30, 2004..... \$260,254

Sec. 83.

KANSAS STATE SCHOOL FOR THE DEAF

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

Operating expenditures  
For the fiscal year ending June 30, 2004..... \$428,815

Sec. 84. (a) On July 1, 2003, the \$10,219,351 appropriated for the state finance council for the fiscal year ending June 30, 2003, by subsection (o)(2) of section 87 of 2003 Senate Bill No. 6 from the state general fund is hereby lapsed.

(b) The state finance council shall not exercise the powers, duties and functions delegated to the council by subsections (o)(3) and (o)(4) of section 87 of 2003 Senate Bill No. 6 to approve the transfer of moneys appropriated by subsection (o)(2) of section 87 of 2003 Senate Bill No. 6 and to approve increases in expenditure limitations on special revenue funds and accounts, respectively, for the purposes of paying from such funds or accounts the proportionate share of the cost to such funds or accounts of salary increases that have been funded on an agency-by-agency manner by this act.

(c) The state agencies of the executive branch of state government shall not prepare and submit budget estimates as prescribed by subsection (o)(5) of section 87 of 2003 Senate Bill No. 6 for purposes of salary increases that have been funded on an agency-by-agency manner by this act.

Sec. 85.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council—operations  
For the fiscal year ending June 30, 2004..... \$100,000

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

Legislative research department special revenue fund	
For the fiscal year ending June 30, 2003.....	No limit
For the fiscal year ending June 30, 2004.....	No limit

Sec. 86. (a) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,144,144 from the children's initiatives fund to the state general fund.

Sec. 87. On July 1, 2003, K.S.A. 2002 Supp. 79-3425c is hereby amended to read as follows: 79-3425c. (a) On *July 15, 2003, October 15, 2003, February 15, 2004, and May 15, 2004, and on each* January 15, April 15, July 15 and October 15 of each year *thereafter*, the director of accounts and reports shall transfer \$625,000 to the county equalization and adjustment fund from the special city and county highway fund and on such dates the state treasurer shall apportion and pay to the several counties of the state 57% of the moneys in the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, and shall apportion and pay to the several cities of the state the remaining 43% of such moneys.

(b) The allocation and payment to each county under the provisions of this section shall be made in the following manner:

*First*, Each county of the state shall receive a payment of \$5,000;

*Second*, Of the balance remaining, 44.06% thereof shall be apportioned and paid to each county on *February 15, 2004, and May 15, 2004, and on each* January 15 and April 15 of each year *thereafter* in the proportion that the total amount of money collected in such county from motor vehicle registration fees for the second preceding calendar year bears to the total amount of money collected in all counties from motor vehicle registration fees for the second preceding calendar year, and on July 15 and October 15 of each year in the proportion that the total amount of money collected in such county from motor vehicle registration fees for the preceding calendar year bears to the total amount of money collected in all counties from motor vehicle registration fees for the preceding calendar year;

*Third*, 44.06% of such balance shall be apportioned and paid to each county on *February 15, 2004, and May 15, 2004, and on each* January 15 and April 15 of each year *thereafter* in the proportion that the average daily vehicle miles traveled in such county for the second preceding calendar year bears to the average daily vehicle miles traveled in all counties of the state for the second preceding calendar year, and on July 15 and October 15 of each year in the proportion that the average daily vehicle miles traveled in such county for the preceding calendar year bears to the average daily vehicle miles traveled in all counties of the state for the preceding calendar year; and

*Fourth*, the remaining 11.88% of such balance shall be apportioned and paid to each county on *February 15, 2004, and May 15, 2004, and on each* January 15 and April 15 of each year *thereafter* in the proportion that the total road miles in such county for the second preceding calendar year bears to the total road miles in all counties of the state for the second preceding calendar year; and on July 15 and October 15 of each year in the proportion that the total road miles in such county for the preceding calendar year bears to the total road miles in all counties of the state for the preceding calendar year.

If the total amount of money received by any county pursuant to the foregoing distribution formula during the period from July 15 of any year to April 15 of the next succeeding year is less than the total amount received by such county from the special city and county highway fund and the county equalization and adjustment fund for fiscal year 1999, the state treasurer shall apportion and pay to each such county from the county equalization and adjustment fund an amount which together with the amount received pursuant to the foregoing distribution formula will equal the total amount received from the two aforementioned funds during such period of time. In the event that there is insufficient funds in the county equalization and adjustment fund to pay each county the amount to which it is entitled, each county shall receive a payment in the proportion that the amount to which such county is entitled bears to the amount to which all such counties are entitled. If there is money remaining in such fund after such distribution, the state treasurer shall distribute the balance to the several counties in the manner provided in the second

and third clauses of the foregoing formula for distributing moneys to counties from the special city and county highway fund.

All payments shall be made to the county treasurers of the respective counties, and upon receipt of the same:

(1) The county treasurers of Sedgwick and Shawnee counties shall credit 50% of the moneys received to the road and bridge fund of such counties and apportion and pay the remainder of such moneys to the several cities located in such counties;

(2) the county treasurer of Wyandotte county shall credit 10% of the moneys received to the road and bridge fund of such county and apportion and pay the remainder of such moneys to the several cities located in such county;

(3) the county treasurers of Lyon, Cowley, Crawford, Montgomery, Butler, Saline, Leavenworth, Riley, Reno and Douglas counties shall credit 90% of the moneys so received to the road and bridge fund of such counties and apportion and pay the remainder of such moneys to the several cities located in such counties except that no persons residing within the Fort Riley military reservation shall be included or considered in determining the population of any city located within Geary or Riley county; and

(4) the county treasurers of Johnson county and all other counties not listed in paragraphs (1), (2) or (3) shall credit all of the moneys received to the road and bridge fund of such counties.

Not less than 25% of the amount received by each county and credited to the county road and bridge fund under the provisions of this section shall be expended by the county on mail and school bus routes on county roads as defined in K.S.A. 68-101, and amendments thereto. Payments to the cities under the provisions of this subsection shall be in the proportion that the population of each city bears to the total population of all cities located in the same county as such city.

In counties which have not adopted the county-unit road system, the amount of money retained by such counties after distribution to the cities within such county pursuant to this subsection shall be distributed to each township within such county in not less than the proportion that the amount of money received by each township from the county and township road fund during the period from July 1, 1969, to June 30, 1970, bears to the total amount of money received by such county from the county and township road fund, the county road and city street funds, the special motor carrier fee county road fund and the special city and county highway fund during the period from July 1, 1969, to June 30, 1970, plus the amount such county would have received on July 15, 1970, from the special city and county highway fund based on the formula for distributing such fund in effect on June 30, 1970. All payments to townships hereunder shall be made to the treasurers thereof, and all moneys so received shall be deposited in the general road fund of such township.

(c) The allocation and payment of moneys to the several cities of the state from the special city and county highway fund shall be in the proportion that the population of each city bears to the total population of all cities in the state except that the population of any military reservation which has been annexed to a city after the date of December 31, 1981, shall not be included in the population of such city for the purpose of this allocation. All such payments shall be to the city treasurers of the respective cities. Upon receipt of same unless a consolidated street and highway fund is established pursuant to K.S.A. 12-1,119, and amendments thereto, the city treasurer of each city shall credit the same to a separate fund to be used for the construction, reconstruction, alteration, repair and maintenance of the streets and highways of such city and for the payment of bonds, and interest thereon, issued pursuant to K.S.A. 79-3425g, and amendments thereto.

(d) For the purposes of this section, the average daily vehicle miles traveled in each county shall be determined by the secretary of transportation, but it shall not include miles traveled on interstate highways, and the population of each city shall be reported in the annual enumeration by the state board of agriculture for the preceding calendar year.

(e) In order to reduce vehicular traffic and congestion on its streets and highways, the board of county commissioners of any county, the governing body of any city or the township board of any township may use for the purpose of constructing, repairing and maintaining footpaths and

bicycle paths not to exceed 10% of the moneys such government receives under K.S.A. 79-3425c, and amendments thereto, except that such limitation shall not apply to moneys received by a county that the county is required to distribute to a city or a township. Such moneys shall not be expended on any recreational trail, as defined in subsection (b) of K.S.A. 2002 Supp. 58-3211, and amendments thereto.

Sec. 88. On July 1, 2003, K.S.A. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) *Except as provided in subsection (c)*, the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the ~~1994~~ 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7½% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) *The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, 2004, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2003 regular session of the legislature.*

Sec. 89. *Appeals to exceed position limitations.* (a) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2003, or June 30, 2004, made in chapter 204 or 205 of the 2002 Session Laws of Kansas or in this act or in any other appropriation act of the 2003 regular session of the legislature may be exceeded upon approval of the state finance council.

(b) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2005, made in this act or in any other appropriation act of the 2003 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 90. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund or the state water plan fund or to any account thereof.

Sec. 91. *Savings.* (a) Any unencumbered balance as of June 30, 2003, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2003 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2004, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2004, in any special revenue fund, or account thereof, of any state agency named in section 22 of 2003 Senate Bill No. 6 which is not otherwise specifically appropriated or limited for fiscal year 2005 by this or other appropriation act of the 2003 or 2004 regular session of the legislature, is hereby appropriated for fiscal year 2005 for the same use and purpose as the same was heretofore appropriated.

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

Sec. 92. During the fiscal year ending June 30, 2004, all moneys which

are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2003 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2004, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this subsection, “bond special revenue fund” means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 93. *Federal grants.* (a) During the fiscal year ending June 30, 2004, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2003 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2004, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) During the fiscal year ending June 30, 2005, each federal grant or other federal receipt which is received by a state agency named in section 22 of 2003 Senate Bill No. 6 and which is not otherwise appropriated to that state agency for fiscal year 2005 by this or other appropriation act of the 2003 or 2005 regular session of the legislature, is hereby appropriated for fiscal year 2005 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2005, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2005.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2004 by this or other appropriation act of the 2003 regular session of the legislature to apply for and receive federal grants during fiscal year 2004, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 94. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2003 regular session of the legislature, and having an unencumbered balance as of June 30, 2003, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2004, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 95. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2003 regular session of the legislature and having an unencumbered balance as of June 30, 2003, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2004, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 96. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2003 regular session of the legislature and having an unencumbered balance as of June 30, 2003, in excess of \$100 is hereby reappropriated



for the fiscal year ending June 30, 2004, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 97. Any transfers of money during the fiscal year ending June 30, 2003, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2004.

Sec. 98. During the fiscal year ending June 30, 2004, each state agency named in this act that has a cost reduction for which an employee suggestion bonus is paid pursuant to subsection (f) of K.S.A. 2002 Supp. 75-37,105, and amendments thereto, shall transfer (1) from each state general fund appropriation or reappropriation account for fiscal year 2004 from which all or part of such cost reduction has been realized to the state general fund, in accordance with subsection (f) of K.S.A. 2002 Supp. 75-37,105, and amendments thereto, the amount equal to 80% of the cost reduction which is attributed to such account, and (2) from each special revenue fund for fiscal year 2004 from which all or part of such cost reduction has been realized to the state general fund, in accordance with subsection (f) of K.S.A. 2002 Supp. 75-37,105, and amendments thereto, the amount equal to 80% of the cost reduction which is attributed to such special revenue fund.

Sec. 99. On July 1, 2003, K.S.A. 75-6702 and K.S.A. 2002 Supp. 79-3425c are hereby repealed.

Sec. 100. This act shall take effect and be in force from and after its publication in the Kansas register.

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

\_\_\_\_\_  
HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*