

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 1, 2005—9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Allen was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Speaking for any one of the Senators, I would like to pray for help on how to deal with the following misconceptions:

My office is not in Washington, D.C.
I do not have an apartment in the Capitol Building.
The state does not furnish me a chauffeur.
There is not enough money in Kansas to fund all the requests we get.
Thirty-nine other people have votes that count just as much as mine.
I do not have every bill memorized.
Neither my spouse nor my children can always explain why I vote the way I do.
The Kansas Senate does not control America's foreign policy.
I cannot remember the names of all 60,000 constituents.
This job will not make me rich.
The Governor is not sitting in her office waiting for my instructions.
My work day does not start at 2:30 p.m.
Everyone who plays the lottery will not eventually win a million dollars.
The Sunset laws have absolutely nothing to do with Daylight Savings Time.
Senator Brownback's desk is located nowhere near mine.

I could go on and on, O God, but if you can help me get these across, it would be greatly appreciated.

I pray in the Name of Jesus Christ,

AMEN

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 1, by Senator Stephen Morris: A petition encouraging the Kansas Legislature to re-evaluate how the interest accrued from student tuition and fees is allocated within the state, and encouraging the state to grant ownership of these monies to the six Board of Regents institutions, submitted by Kyle Stearns, College of Liberal Arts & Science Senator, The University of Kansas, and seven others.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following senate resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1611—

By Senator Huelskamp

A CONCURRENT RESOLUTION urging Congress to make the repeal of the death tax permanent.

WHEREAS, Under tax relief legislation passed in 2001, by the United States congress, the federal estate tax, often referred to as the death tax, was temporarily phased out but not permanently eliminated; and

WHEREAS, Farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

WHEREAS, This is a tax that is particularly damaging to families who are working their way up the ladder and trying accumulate wealth for the first time; and

WHEREAS, Employees suffer layoffs when small and medium businesses are liquidated to pay death taxes; and

WHEREAS, If the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year extra output and an average of 145,000 additional new jobs would have been created; and

WHEREAS, Having repeatedly passed in the United States House of Representatives and Senate, repeal of the death tax holds wide bipartisan support: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Senate of the State of Kansas requests our elected Representatives and Senators in the United States Congress support, work to pass and vote for the immediate and permanent repeal of the death tax;

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Education: **SB 311, SB 312.**

MESSAGE FROM THE HOUSE

Announcing the House nonconcur in Senate amendments to **HB 2083**, requests a conference and has appointed Representatives Vickery, Huy and Holland as conferees on the part of the House.

The House adopts the conference committee report on **SB 48.**

The House adopts the conference committee report on **Substitute SB 103.**

The House adopts the conference committee report on **SB 108.**

The House adopts the conference committee report on **SB 225.**

The House not adopts the conference committee report on **SB 30.**

Announcing the House adopts the conference committee report on **HB 2045.**

The House adopts the conference committee report on **HB 2053.**

The House adopts the conference committee report on **Senate Substitute for HB 2144.**

The House adopts the conference committee report on **HB 2263.**

The House adopts the conference committee report on **HB 2310.**

The House adopts the conference committee report on **HB 2331.**

The House adopts the conference committee report on **HB 2448.**

The House adopts the Conference Committee Report to agree to disagree on **SB 181** and has appointed Representatives Decker, O'Neal and Crow as second conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2116**, requests a conference and has appointed Representatives Neufeld, Schwartz and Williams as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 118** and has appointed Representatives Neufeld, Pottorff and Feuerborn as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Betts introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1851—

A RESOLUTION memorializing the Congress of the United States to continue funding of the TRiO and GEARUP educational programs.

WHEREAS, The purpose of the federally authorized and funded TRiO Upward Bound and Talent Search programs and GEARUP programs is to increase the number of low-income and first generation students who are prepared to enter and succeed in post-secondary education; and

WHEREAS, TRiO Upward Bound and Talent search programs in Kansas receive \$6,774,687 of federal funding to positively affect the lives of over 6,800 Kansas students, and GEARUP programs receive \$10,390,845 of federal funding and an additional amount of nonfederal funding of \$2,500,000 to positively affect the lives of 13,343 Kansas students; and

WHEREAS, These programs have proven to be highly successful in helping these students complete their K-12 education and succeed in postsecondary educational programs; and

WHEREAS, The federal administration's 2006 budget proposal eliminates these programs with the intent of shifting the funding to begin new initiatives. Such initiatives are upoven and may not provide the positive outcomes of these existing programs, thereby putting many of these 20,000 plus students in jeopardy of being educationally disenfranchised: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the body urges congress to continue the funding of these programs which so dramatically affect the lives of our citizens, and entreats the Kansas congressional delegation to work diligently toward that end; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas congressional delegation.

Senator Emler introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1852—

A RESOLUTION congratulating and commending the McPherson High School girls basketball team and Coach Scott Schaefer for winning the 2005 Class 5A State Basketball Championship.

WHEREAS, The McPherson High School girls basketball team won the 2005 Kansas State High School Activities Association Class 5A State Basketball Championship with a thrilling 40 to 30 victory over Shawnee Heights High School in the state championship game at Topeka on March 12. The game was highlighted by the defensive play of Marlies Gipson who blocked 14 shots and grabbed 17 rebounds. This is the sixth championship for the team having won the title in 1981, 1982, 1997, 1998 and 1999; and

WHEREAS, The Mcpherson High School "Bullpups" basketball team finished the season with a record of 25 wins and zero losses; and

WHEREAS, The team members were Brett Ulsaker, Ashley Walker, Jordi James, Jami Sims, Rachel Kaegi, Allie Archer, Ashley Sweat, Lindsey Oliver, Kendra Schaefer, Molly Flood, Monica Adcock and Marlies Gipson; and the coaches were Scott Schaefer, Chris Strathman, Tracy McGuyer and Mike Reith; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the McPherson High School girls basketball team and Coach Schaefer be congratulated and commended for winning the

2005 Kansas State High School Activities Association Class 5A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate provide 17 enrolled copies of this resolution to Lew Faust, Principal, McPherson High School, 801 E. First Street, McPherson, KS 67460.

On emergency motion of Senator Emler **SR 1852** was adopted unanimously.

President Morris and members of the Senate welcomed and congratulated team members Monica Adcock, Allie Archer, Molly Flood, Marlies Gipson, Jordi James, Rachel Kaegi, Lindsey Oliver, Kendra Schaefer, Jamie Sims, Ashley Sweat, Brette Ulsaker and Ashley Walker. Accompanying the team were Coaches Scott Schaefer, Chris Strathman and Tracy McGuyer.

Senators Barnett, Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D Schmidt, V Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1853—

A RESOLUTION congratulating and commending the 2005 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2005. The seven will be honored on March 30 at Emporia State University, the sponsor of the program, with a day of tours, seminars and receptions; and

WHEREAS, The 2005 Kansas Master Teachers are Sandy Hardesty, a Washburn Rural High School social studies teacher; Mary Van Dyke, a district facilitator for gifted and talented students in grades kindergarten through eighth in Atchison; Ken Garwick, Marlatt Elementary School in Manhattan; Connie Neneman, Wilroads Gardens Elementary in Dodge City; Kathryn L. Reschke, Arbor Creek Elementary School counselor in Olathe; Kimberly Thomas, McLean Science and Technology Elementary Magnet School in Wichita and Larry Wayland, Blue Valley West High School in Overland Park; and

WHEREAS, Since Emporia State University established the Kansas Master Teacher Awards in 1954, 376 educators have been honored. The awards are presented annually to teachers described as having "served the profession long and well and who also typify the good qualities of earnest and conscientious teachers"; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2005 winners: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the seven 2005 Kansas Master Teachers for demonstrated excellence in their profession and devotion to the children of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Sandy Hardesty, Washburn Rural High School, 5900 SW 61st, Topeka, KS 66619; Mary Van Dyke, Atchison Elementary School, 825 N. 17th Street, Atchison, KS 66002; Ken Garwick, Marlatt Elementary School, 2715 Hobbs, Manhattan, KS 66502; Connie Neneman, Wilroads Garden Elementary School, 11558 E. Main Rd., Dodge City, KS 67801; Kathryn L. Reschke, Arbor Creek Elementary School, 16150 S. Brougham, Olathe, KS 66062; Kimberly Thomas, McLean Science and Technology Elementary Magnet School, 2277 Marigold Lane, Wichita, KS 67204 and Larry Wayland, Blue Valley West High School, 16200 Antioch Road, Overland Park, KS 66085.

On emergency motion of Senator Barnett **SR 1853** was adopted unanimously.

President Morris and members of the Senate welcomed and congratulated the 2005 Kansas Master Teachers with a standing ovation.

In attendance were Ken Garwick, Sandy Hardesty, Kathryn Reschke, Kimberly Thomas, Mary Van Dyke and Larry Wayland.

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1854—

A RESOLUTION honoring Albert “Jud” Wagner, the oldest Marine in Kansas.

WHEREAS, Albert “Jud” Wagner, a resident of Smith Center, Kansas, is the oldest member of the United States Marine Corps residing in the state of Kansas; and

WHEREAS, Jud left school when he was 17 years old to defend his country in World War I, even though young men were not obligated to serve until they reached the age of 21, and he had to convince his parents to sign the parental consent form to allow him to serve at his young age; and

WHEREAS, Jud served in the 82nd Company, 3rd Battalion, 6th Regiment, 2nd Division and completed four weeks of boot camp at Paris Island, South Carolina, in August 1918, before being shipped out to France, where he arrived two months later; and

WHEREAS, Jud and his division marched to Germany, where they stayed for a year after the Armistice was signed to ensure stability; and

WHEREAS, Jud fought against an enemy in the German military that included two of his uncles and several of his cousins, as his father had been born in Germany; and

WHEREAS, Jud had the opportunity to visit his grandfather’s grave and pay his respects when his division marched to the Rhine during the occupation in November, 1918; and

WHEREAS, Jud was not injured during his service in World War I, and was given his orders to come home on Independence Day in 1919, and discharged August 13, 1919; and

WHEREAS, Jud is also the oldest living member of the American Legion in Kansas, and a charter member of the organization; and

WHEREAS, Jud was awarded the Military Order of the Devil Dogs in memory of the fact that the Marines of 1918 were given the name “Teufel Hunden” by their adversaries in recognition of their similarity to the wild mountain dogs of that name in their determined attack as German forces approached Paris and for their courage, devotion to duty and personal sacrifices during World War I; and

WHEREAS, Jud was born September 5, 1899, to Fredrick and Martha (Liss) Wagner; and

WHEREAS, in 1921, Jud was married to Lillie Routh, who died in 1987, and they had four children together: J.S., Donna, Robert and Maxine, who died in 1944: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Albert “Jud” Wagner for his brave service to the United States as a Marine in World War I and his status as the oldest living Marine in the state of Kansas; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Albert “Jud” Wagner, Smith Center, Kansas.

On emergency motion of Senator Lee **SR 1854** was adopted unanimously.

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1855—

A RESOLUTION congratulating and commending the Thomas More Prep-Marian High School boys basketball team and Coach Joe Hertel for winning the 3A Class 2005 State Basketball Championship.

WHEREAS, The Thomas More Prep-Marian High School boys basketball team won the 2005 Kansas State High School Activities Association Class 3A State Basketball Championship with a thrilling 63 to 57 victory over Minneapolis High School in the state championship game at Hutchinson on March 12; and

WHEREAS, The Thomas More Prep-Marian High School “Monarchs” basketball team finished the season with a record of 18 wins and 8 losses; and

WHEREAS, After having a record of 6 wins to 7 losses midway through the season, the team’s senior class members forced a turn around of 10 consecutive wins which resulted in the first state championship for the school in any sport. The team returned triumphantly to the campus to be met by a welcoming group of about 50 cars filled with their enthusiastic supporters. The last time the city of Hays had a state prep champion in basketball was 1944 when the Hays High School boys team won the championship; and

WHEREAS, The members of the championship team were Chase Schippers, Kyle Hammerschmidt, T.J. Schmidt, Nick Felder, Brandon Bieker, Nolan Hoffman, Eric

Thomas, Eli Nsabindora, Josh Post, Tucker Mall, Greg Diehl and Cameron Stremel; the head coach was Joe Hertel, the assistant coaches were Chris Drees and Tom Drees and the team manager was Nathan Geist; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Thomas More Prep-Marian High School boys basketball team and Coach Hertel be congratulated and commended for winning the 2005 Kansas State High School Activities Association Class 3A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate provide 15 enrolled copies of this resolution to Ken Haas, Principal, Thomas More Prep-Marian High School, P.O. Box 9, Hays, KS 67601-3199.

On emergency motion of Senator Lee **SR 1855** was adopted unanimously.

Senator Lee along with members of the Senate congratulated the team and coaches on their thrilling victory.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 10**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, in line 29, before the semicolon, by inserting: "If there is no school nurse, the school shall designate a person for the purposes of this subsection";

And your committee on conference recommends the adoption of this report.

JIM MORRISON
PEGGY MAST
NANCY KIRK

Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY

Conferees on part of Senate

Senator Barnett moved the Senate adopt the Conference Committee Report on **SB 10**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 48**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

By renumbering sections 1 through 9 as new sections 1 through 9;

On page 4, following line 34, by inserting:

“Sec. 10. K.S.A. 72-1398 is hereby amended to read as follows: 72-1398. (a) The national board for professional teaching standards certification incentive program is hereby established for the purpose of rewarding teachers who have attained certification from the national board. Teachers who have attained certification from the national board shall be issued a master teacher’s ~~certificate~~ license by the state board of education. A master teacher’s ~~certificate~~ license shall be valid for 10 years and renewable thereafter every 10 years through compliance with continuing education and professional development requirements prescribed by the state board. Teachers who have attained certification from the national board and who are employed by a school district shall be paid an incentive bonus in the amount of \$1,000 each school year, ~~not exceeding 10 years~~; that the teacher remains employed by a school district and retains a valid master teacher’s ~~certificate~~ license.

(b) The board of education of each school district employing one or more national board certified teachers shall pay the incentive bonus to each such teacher in each school year that the teacher retains eligibility for such payment. Each board of education which has made payments of incentive bonuses to national board certified teachers under this subsection may file an application with the state board of education for state aid and shall certify to the state board the amount of such payments. The application and certification shall be on a form prescribed and furnished by the state board, shall contain such information as the state board shall require and shall be filed at the time specified by the state board.

(c) In each school year, each school district employing one or more national board certified teachers is entitled to receive from appropriations for the national board for professional teaching standards certification incentive program an amount which is equal to the amount certified to the state board of education in accordance with the provisions of subsection (b). The state board shall certify to the director of accounts and reports the amount due each school district. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district entitled to payment under this section upon vouchers approved by the state board.

(d) Moneys received by a board of education under this section shall be deposited in the general fund of the school district. ~~Moneys deposited in the general fund of the school district under this subsection~~ and shall be considered reimbursements to the district for the purpose of the school district finance and quality performance act and may be expended whether the same have been budgeted or not.

(e) *The state board of education is authorized to provide scholarships of \$1,100 each to teachers who are accepted to participate in the national board for professional teaching standards program for initial certification. The state board of education is authorized to provide scholarships of \$500 each to teachers who are accepted to participate in the national board for professional teaching standards program for renewal of certification. Any teacher who has been accepted to participate in such program may file an application with the state board of education for a scholarship. The application shall be on a form prescribed and furnished by the state board, shall contain such information as the state board shall require and shall be filed at the time specified by the state board.*

(f) As used in this section, the term school district means any school district organized and operating under the laws of this state.

Sec. 11. K.S.A. 74-32,101 is hereby amended to read as follows: 74-32,101. As used in this act:

(a) “Executive officer” means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto;

(b) “qualified student” means a person who: (1) Is a resident of the state of Kansas; (2) has been accepted for admission to or is enrolled full time in a course of instruction leading to ~~certification~~ licensure as a teacher; and (3) has qualified for the award of a scholarship under the teacher service scholarship program on the basis of having demonstrated scholastic ability, or who has previously so qualified and remains qualified for renewal of the scholarship on the basis of remaining in good standing and making satisfactory progress toward completion of the requirements of the course of instruction in which enrolled;

(c) “hard-to-fill teaching discipline” means (1) a teaching discipline in which there is a critical shortage of teachers as determined and specified by the state board of education;

and (2) the teaching disciplines of mathematics and science for any of the grades five through 12;

(d) “underserved area” means a geographic area of the state in which there is a critical shortage of teachers as determined and specified by the state board of education;

(e) “state educational institution” has the meaning ascribed thereto in K.S.A. 76-711, and amendments thereto;

(f) “private postsecondary educational institution” has the meaning ascribed thereto in K.S.A. 2004 Supp. 74-32,163, and amendments thereto.

Sec. 12. K.S.A. 74-32,102 is hereby amended to read as follows: 74-32,102. (a) There is hereby established the teacher service scholarship program. A scholarship may be awarded under the teacher service scholarship program to any qualified student and may be renewed for each such student who remains qualified for the scholarship. Determination of the students qualified for such scholarships shall be made by the executive officer. Scholastic ability shall be determined on the basis of any one or more of the following: (1) High ACT or SAT score; (2) rank in high school graduation class; (3) cumulative high school or college grade point average; or (4) any other indicator of scholastic ability which the state board of regents determines to be demonstrative of potential for successful completion of a course of instruction leading to ~~certification~~ licensure as a teacher. To the extent practicable and consistent with qualification factors, consideration shall be given to *qualified* students who are members of ethnic minority groups.

(b) A scholarship awarded under the program shall provide for payment to a qualified student of (1) an amount not to exceed 70% of the cost of attendance for an academic year at the teacher education school in which the qualified student is enrolled if such teacher education school is maintained by a state educational institution or (2) an amount not to exceed 70% of the average amount of the cost of attendance for an academic year at the teacher education schools maintained by the state educational institutions if the teacher education school in which the qualified student is enrolled ~~is not a state educational institution~~ in a private postsecondary educational institution located in the state of Kansas. A qualified student may be awarded a scholarship for not more than four academic years of undergraduate study, except that a qualified student who is enrolled full time in a course of instruction leading to ~~certification~~ licensure in a teaching discipline for which graduate study is required may be awarded a scholarship for the duration of the course of instruction.

Sec. 13. K.S.A. 72-1398, 72-1398, as amended by section 15 of 2005 Senate Bill No. 42, 74-32,101, 74-32,101, as amended by section 22 of 2005 Senate Bill No. 42, 74-32,102 and 74-32,102, as amended by section 23 of 2005 Senate Bill No. 42 are hereby repealed.”;

By renumbering sections accordingly;

In the title, by striking all in lines 11 and 12 and inserting:

An ACT concerning education; relating to certain powers, duties and functions of school districts, technical colleges, community colleges and the state board of regents; amending K.S.A. 72-1398, 74-32,101 and 74-32,102 and repealing the existing sections; also repealing K.S.A. 72-1398, as amended by section 15 of 2005 Senate Bill No. 42, 74-32,101, as amended by section 22 of 2005 Senate Bill No. 42 and 74-32,102, as amended by section 23 of 2005 Senate Bill No. 42.”;

And your committee on conference recommends the adoption of this report.

JEAN KURTIS SCHODORF

ROGER C. PINE

JANIS K. LEE

Conferees on part of Senate

KATHE DECKER

DEENA HORST

SUE STORM

Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 48**. On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting

1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 103**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 2, in line 40, following "care" by inserting ", short-term nonrenewable health policy";

On page 3, by striking all in lines 21 through 43;

On page 4, by striking all in lines 1 through 43;

On page 5, by striking all in lines 1 through 25;

By renumbering the remaining section accordingly;

In the title, in line 13, by striking all following "service"; by striking all in line 14; in line 15, by striking all preceding the period;

And your committee on conference recommends the adoption of this report.

CLARK SHULTZ

ERIC CARTER

NILE DILLMORE

Conferees on part of House

RUTH TEICHMAN

DAVID WYSONG

CHRIS STEINEGER

Conferees on part of Senate

Senator Teichman moved the Senate adopt the Conference Committee Report on **Substitute for SB 103**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 108**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 36, after line 28, by inserting the following:

"Sec. 5. K.S.A. 2004 Supp. 44-706 is hereby amended to read as follows: 44-706. An individual shall be disqualified for benefits:

(a) If the individual left work voluntarily without good cause attributable to the work or the employer, subject to the other provisions of this subsection (a). Failure to return to work after expiration of approved personal or medical leave, or both, shall be considered a voluntary resignation. After a temporary job assignment, failure of an individual to

affirmatively request an additional assignment on the next succeeding workday, if required by the employment agreement, after completion of a given work assignment, shall constitute leaving work voluntarily. The disqualification shall begin the day following the separation and shall continue until after the individual has become reemployed and has had earnings from insured work of at least three times the individual's weekly benefit amount. An individual shall not be disqualified under this subsection (a) if:

(1) The individual was forced to leave work because of illness or injury upon the advice of a licensed and practicing health care provider and, upon learning of the necessity for absence, immediately notified the employer thereof, or the employer consented to the absence, and after recovery from the illness or injury, when recovery was certified by a practicing health care provider, the individual returned to the employer and offered to perform services and the individual's regular work or comparable and suitable work was not available; as used in this paragraph (1) "health care provider" means any person licensed by the proper licensing authority of any state to engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

(2) the individual left temporary work to return to the regular employer;

(3) the individual left work to enlist in the armed forces of the United States, but was rejected or delayed from entry;

(4) the individual left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, which is for the same employer or for a different employer, at a geographic location which makes it unreasonable for the individual to continue work at the individual's job;

(5) the individual left work because of hazardous working conditions; in determining whether or not working conditions are hazardous for an individual, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training and the working conditions of workers engaged in the same or similar work for the same and other employers in the locality shall be considered; as used in this paragraph (5), "hazardous working conditions" means working conditions that could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of (A) the safety measures used or the lack thereof, and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged in the same or similar type of activity;

(6) the individual left work to enter training approved under section 236(a)(1) of the federal trade act of 1974, provided the work left is not of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the federal trade act of 1974), and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the federal trade act of 1974;

(7) the individual left work because of unwelcome harassment of the individual by the employer or another employee of which the employing unit had knowledge;

(8) the individual left work to accept better work; each determination as to whether or not the work accepted is better work shall include, but shall not be limited to, consideration of (A) the rate of pay, the hours of work and the probable permanency of the work left as compared to the work accepted, (B) the cost to the individual of getting to the work left in comparison to the cost of getting to the work accepted, and (C) the distance from the individual's place of residence to the work accepted in comparison to the distance from the individual's residence to the work left;

(9) the individual left work as a result of being instructed or requested by the employer, a supervisor or a fellow employee to perform a service or commit an act in the scope of official job duties which is in violation of an ordinance or statute;

(10) the individual left work because of a violation of the work agreement by the employing unit and, before the individual left, the individual had exhausted all remedies provided in such agreement for the settlement of disputes before terminating;

(11) after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification; or

(12) (A) the individual left work due to circumstances resulting from domestic violence, including:

(i) The individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment; or

(ii) the individual's need to relocate to another geographic area in order to avoid future domestic violence; or

(iii) the individual's need to address the physical, psychological and legal impacts of domestic violence; or

(iv) the individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence; or

(v) the individual's reasonable belief that termination of employment is necessary to avoid other situations which may cause domestic violence and to provide for the future safety of the individual or the individual's family.

(B) An individual may prove the existence of domestic violence by providing one of the following:

(i) A restraining order or other documentation of equitable relief by a court of competent jurisdiction; or

(ii) a police record documenting the abuse; or

(iii) documentation that the abuser has been convicted of one or more of the offenses enumerated in articles 34 and 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, where the victim was a family or household member; or

(iv) medical documentation of the abuse; or

(v) a statement provided by a counselor, social worker, health care provider, clergy, shelter worker, legal advocate, domestic violence or sexual assault advocate or other professional who has assisted the individual in dealing with the effects of abuse on the individual or the individual's family; or

(vi) a sworn statement from the individual attesting to the abuse.

(C) No evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the department of labor unless consent for disclosure is given by the individual.

(b) If the individual has been discharged for misconduct connected with the individual's work. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount, except that if an individual is discharged for gross misconduct connected with the individual's work, such individual shall be disqualified for benefits until such individual again becomes employed and has had earnings from insured work of at least eight times such individual's determined weekly benefit amount. In addition, all wage credits attributable to the employment from which the individual was discharged for gross misconduct connected with the individual's work shall be canceled. No such cancellation of wage credits shall affect prior payments made as a result of a prior separation.

(1) For the purposes of this subsection (b), "misconduct" is defined as a violation of a duty or obligation reasonably owed the employer as a condition of employment. The term "gross misconduct" as used in this subsection (b) shall be construed to mean conduct evincing extreme, willful or wanton misconduct as defined by this subsection (b). Failure of the employee to notify the employer of an absence shall be considered prima facie evidence of a violation of a duty or obligation reasonably owed the employer as a condition of employment.

(2) For the purposes of this subsection (b), the use of or impairment caused by ~~an alcoholic beverage~~ *alcoholic liquor*, a cereal malt beverage or a nonprescribed controlled substance by an individual while working shall be conclusive evidence of misconduct and the possession of ~~an alcoholic beverage~~ *alcoholic liquor*, a cereal malt beverage or a nonprescribed controlled substance by an individual while working shall be prima facie

evidence of conduct which is a violation of a duty or obligation reasonably owed to the employer as a condition of employment. ~~For purposes of this subsection (b), the disqualification of an individual from employment which disqualification is required by the provisions of the drug free workplace act, 41 U.S.C. 701 et seq. or is otherwise required by law because the individual refused to submit to or failed a chemical test which was required by law, shall be conclusive evidence of misconduct. Refusal to submit to a chemical test administered pursuant to an employee assistance program or other drug or alcohol treatment program in which the individual was participating voluntarily or as a condition of further employment shall also be conclusive evidence of misconduct.~~ Alcoholic liquor shall be defined as provided in K.S.A. 41-102 and amendments thereto. Cereal malt beverage shall be defined as provided in K.S.A. 41-2701 and amendments thereto. Controlled substance shall be defined as provided in K.S.A. 65-4101 and amendments thereto of the uniform controlled substances act. As used in this subsection (b)(2), "required by law" means required by a federal or state law, a federal or state rule or regulation having the force and effect of law, a county resolution or municipal ordinance, or a policy relating to public safety adopted in open meeting by the governing body of any special district or other local governmental entity. *Chemical test shall include, but is not limited to, tests of urine, blood or saliva. A positive chemical test shall mean a chemical result showing a concentration at or above the levels listed in K.S.A. 44-501, and amendments thereto, for the drugs or abuse listed therein. A positive breath test shall mean a test result showing an alcohol concentration of .04 or greater. Alcohol concentration means the number of grams of alcohol per 210 liters of breath.* An individual's refusal to submit to a chemical test or *breath alcohol test* shall ~~not~~ be ~~admissible conclusive evidence to prove of misconduct unless if the test is required by~~ ~~and~~ ~~meets the standards of the drug free workplace act, 41 U.S.C. 701 et seq.;~~ the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;; the test was otherwise required by law and the test constituted a required condition of employment for the individual's job; ~~the test was requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment;~~ or; there was probable cause to believe that the individual used, possessed or was impaired by ~~an alcoholic beverage~~ *alcoholic liquor*, a cereal malt beverage or a controlled substance while working. *A positive breath alcohol test* ~~The results of a or a positive chemical test shall not be admissible conclusive evidence to prove misconduct unless if the following conditions were are met:~~

(A) Either (i) the test was required by law, ~~the test and~~ was administered pursuant to the drug free workplace act, 41 U.S.C. 701 et seq., (ii) the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, (iii) ~~the test was requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment,~~ (iv) the test was required by law and the test constituted a required condition of employment for the individual's job, or ~~(iv)~~ (v) there was probable cause to believe that the individual used, had possession of, or was impaired by ~~the alcoholic beverage~~ *alcoholic liquor*, the cereal malt beverage or the controlled substance while working;

(B) the test sample was collected either (i) as prescribed by the drug free workplace act, 41 U.S.C. 701 et seq., (ii) as prescribed by an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, (iii) ~~as prescribed by the written policy of the employer of which the employee had knowledge and which constituted a required condition of employment,~~ (iv) as prescribed by a test which was required by law and which constituted a required condition of employment for the individual's job, or ~~(iv)~~ (v) at a time contemporaneous with the events establishing probable cause;

(C) the collecting and labeling of ~~the a~~ *a chemical* test sample was performed by a licensed health care professional or any other individual *certified pursuant to paragraph (b)(2)(F) or* authorized to collect or label test samples ~~by federal or state law, or a federal or state rule or regulation having the force and effect of law by federal or state law, or a federal or state rule or regulation having the force or effect of law,~~ including law enforcement personnel;

(D) the *chemical* test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies;

(E) the *chemical* test was confirmed by gas chromatography, gas chromatography-mass spectroscopy or other comparably reliable analytical method, except that no such confirmation is required for a blood alcohol sample or a *breath alcohol test*; ~~and~~

(F) ~~the breath alcohol test was administered by an individual trained to perform breath tests, the breath testing instrument used was certified and operated strictly according to description provided by the manufacturers and the reliability of the instrument performance was assured by testing with alcohol standards; and~~

(G) the foundation evidence must establish, beyond a reasonable doubt, that the test results were from the sample taken from the individual.

(3) (A) For the purposes of this subsection (b), misconduct shall include, but not be limited to repeated absence, including incarceration, resulting in absence from work of three days or longer, excluding Saturdays, Sundays and legal holidays, and lateness, from scheduled work if the facts show:

- (i) The individual was absent without good cause;
- (ii) the absence was in violation of the employer's written absenteeism policy;
- (iii) the employer gave or sent written notice to the individual, at the individual's last known address, that future absence may or will result in discharge; and
- (iv) the employee had knowledge of the employer's written absenteeism policy.

(B) For the purposes of this subsection (b), if an employee disputes being absent without good cause, the employee shall present evidence that a majority of the employee's absences were for good cause. If the employee alleges that the employee's repeated absences were the result of health related issues, such evidence shall include documentation from a licensed and practicing health care provider as defined in subsection (a)(1).

(4) An individual shall not be disqualified under this subsection (d) if the individual is discharged under the following circumstances:

(A) The employer discharged the individual after learning the individual was seeking other work or when the individual gave notice of future intent to quit;

(B) the individual was making a good-faith effort to do the assigned work but was discharged due to: (i) Inefficiency, (ii) unsatisfactory performance due to inability, incapacity or lack of training or experience, (iii) isolated instances of ordinary negligence or inadvertence, (iv) good-faith errors in judgment or discretion, or (v) unsatisfactory work or conduct due to circumstances beyond the individual's control; or

(C) the individual's refusal to perform work in excess of the contract of hire.

(c) If the individual has failed, without good cause, to either apply for suitable work when so directed by the employment office of the secretary of labor, or to accept suitable work when offered to the individual by the employment office, the secretary of labor, or an employer, such disqualification shall begin with the week in which such failure occurred and shall continue until the individual becomes reemployed and has had earnings from insured work of at least three times such individual's determined weekly benefit amount. In determining whether or not any work is suitable for an individual, the secretary of labor, or a person or persons designated by the secretary, shall consider the degree of risk involved to health, safety and morals, physical fitness and prior training, experience and prior earnings, length of unemployment and prospects for securing local work in the individual's customary occupation or work for which the individual is reasonably fitted by training or experience, and the distance of the available work from the individual's residence. Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be disqualified for refusing an offer of suitable employment, or failing to apply for suitable employment when notified by an employment office, or for leaving the individual's most recent work accepted during approved training, including training approved under section 236(a)(1) of the trade act of 1974, if the acceptance of or applying for suitable employment or continuing such work would require the individual to terminate approved training and no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following

conditions: (1) If the position offered is vacant due directly to a strike, lockout or other labor dispute; (2) if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed, the individual would be required to join or to resign from or refrain from joining any labor organization; (4) if the individual left employment as a result of domestic violence, and the position offered does not reasonably accommodate the individual's physical, psychological, safety, and/or legal needs relating to such domestic violence.

(d) For any week with respect to which the secretary of labor, or a person or persons designated by the secretary, finds that the individual's unemployment is due to a stoppage of work which exists because of a labor dispute or there would have been a work stoppage had normal operations not been maintained with other personnel previously and currently employed by the same employer at the factory, establishment or other premises at which the individual is or was last employed, except that this subsection (d) shall not apply if it is shown to the satisfaction of the secretary of labor, or a person or persons designated by the secretary, that: (1) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and (2) the individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs any of whom are participating in or financing or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection (d) be deemed to be a separate factory, establishment or other premises. For the purposes of this subsection (d), failure or refusal to cross a picket line or refusal for any reason during the continuance of such labor dispute to accept the individual's available and customary work at the factory, establishment or other premises where the individual is or was last employed shall be considered as participation and interest in the labor dispute.

(e) For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such unemployment benefits, this disqualification shall not apply.

(f) For any week with respect to which the individual is entitled to receive any unemployment allowance or compensation granted by the United States under an act of congress to ex-service men and women in recognition of former service with the military or naval services of the United States.

(g) For the period of one year beginning with the first day following the last week of unemployment for which the individual received benefits, or for one year from the date the act was committed, whichever is the later, if the individual, or another in such individual's behalf with the knowledge of the individual, has knowingly made a false statement or representation, or has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor.

(h) For any week with respect to which the individual is receiving compensation for temporary total disability or permanent total disability under the workmen's compensation law of any state or under a similar law of the United States.

(i) For any week of unemployment on the basis of service in an instructional, research or principal administrative capacity for an educational institution as defined in subsection (v) of K.S.A. 44-703, and amendments thereto, if such week begins during the period between two successive academic years or terms or, when an agreement provides instead for a similar period between two regular but not successive terms during such period or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(j) For any week of unemployment on the basis of service in any capacity other than service in an instructional, research, or administrative capacity in an educational institution, as defined in subsection (v) of K.S.A. 44-703, and amendments thereto, if such week begins during the period between two successive academic years or terms if the individual performs such services in the first of such academic years or terms and there is a reasonable assurance that the individual will perform such services in the second of such academic years or terms, except that if benefits are denied to the individual under this subsection (j) and the individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection (j).

(k) For any week of unemployment on the basis of service in any capacity for an educational institution as defined in subsection (v) of K.S.A. 44-703, and amendments thereto, if such week begins during an established and customary vacation period or holiday recess, if the individual performs services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(l) For any week of unemployment on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such week begins during the period between two successive sport seasons or similar period if such individual performed services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.

(m) For any week on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the federal immigration and nationality act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

(n) For any week in which an individual is receiving a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment under a plan maintained by a base period employer and to which the entire contributions were provided by such employer, except that: (1) If the entire contributions to such plan were provided by the base period employer but such individual's weekly benefit amount exceeds such governmental or other pension, retirement or retired pay, annuity or other similar periodic payment attributable to such week, the weekly benefit amount payable to the individual shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity or other similar periodic payment which is attributable to such week; or (2) if only a portion of contributions to such plan were provided by the base period employer, the weekly benefit amount payable to such individual for such week shall be reduced (but not below zero) by the prorated weekly amount of the pension, retirement or retired pay, annuity or other similar periodic payment after deduction of that portion of the pension, retirement or retired pay, annuity or other similar periodic payment that is directly attributable to the percentage of the contributions made to the plan by such individual; or (3) if the entire contributions to the plan were provided by such individual, or by the individual and an employer (or any person or organization) who is not a base period employer, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection (n); or (4) whatever portion of contributions to such plan were provided by the base period employer, if the services performed for the employer by such individual during the base period, or remuneration received for the services, did not affect the individual's eligibility for, or increased the amount of, such

pension, retirement or retired pay, annuity or other similar periodic payment, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection (n). No reduction shall be made for payments made under the social security act or railroad retirement act of 1974.

(o) For any week of unemployment on the basis of services performed in any capacity and under any of the circumstances described in subsection (i), (j) or (k) which an individual performed in an educational institution while in the employ of an educational service agency. For the purposes of this subsection (o), the term "educational service agency" means a governmental agency or entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(p) For any week of unemployment on the basis of service as a school bus or other motor vehicle driver employed by a private contractor to transport pupils, students and school personnel to or from school-related functions or activities for an educational institution, as defined in subsection (v) of K.S.A. 44-703, and amendments thereto, if such week begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, if the individual has a contract or contracts, or a reasonable assurance thereof, to perform services in any such capacity with a private contractor for any educational institution for both such academic years or both such terms. An individual shall not be disqualified for benefits as provided in this subsection (p) for any week of unemployment on the basis of service as a bus or other motor vehicle driver employed by a private contractor to transport persons to or from nonschool-related functions or activities.

(q) For any week of unemployment on the basis of services performed by the individual in any capacity and under any of the circumstances described in subsection (i), (j), (k) or (o) which are provided to or on behalf of an educational institution, as defined in subsection (v) of K.S.A. 44-703, and amendments thereto, while the individual is in the employ of an employer which is a governmental entity, Indian tribe or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income under section 501(a) of the code.

(r) For any week in which an individual is registered at and attending an established school, training facility or other educational institution, or is on vacation during or between two successive academic years or terms. An individual shall not be disqualified for benefits as provided in this subsection (r) provided:

(1) The individual was engaged in full-time employment concurrent with the individual's school attendance; or

(2) the individual is attending approved training as defined in subsection (s) of K.S.A. 44-703 and amendments thereto; or

(3) the individual is attending evening, weekend or limited day time classes, which would not affect availability for work, and is otherwise eligible under subsection (c) of K.S.A. 44-705 and amendments thereto.

(s) For any week with respect to which an individual is receiving or has received remuneration in the form of a back pay award or settlement. The remuneration shall be allocated to the week or weeks in the manner as specified in the award or agreement, or in the absence of such specificity in the award or agreement, such remuneration shall be allocated to the week or weeks in which such remuneration, in the judgment of the secretary, would have been paid.

(1) For any such weeks that an individual receives remuneration in the form of a back pay award or settlement, an overpayment will be established in the amount of unemployment benefits paid and shall be collected from the claimant.

(2) If an employer chooses to withhold from a back pay award or settlement, amounts paid to a claimant while they claimed unemployment benefits, such employer shall pay the department the amount withheld. With respect to such amount, the secretary shall have available all of the collection remedies authorized or provided in K.S.A. 44-717 and amendments thereto.

(t) If the individual has been discharged for failing a ~~pre-employment~~ *preemployment* drug screen required by the employer and if such discharge occurs not later than seven days after the employer is notified of the results of such drug screen. The disqualification shall

begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount.”;

And by renumbering the remaining sections accordingly;

Also on page 36, in line 30, before “44-716a” by inserting “44-706 and”; also in line 30, by striking “is” and inserting “are”;

In the title, in line 11, after “44-703,” by inserting “44-706.”;

And your committee on conference recommends the adoption of this report.

DONALD L. DAHL
TODD NOVASCONE
CANDY RUFF

Conferees on part of House

KARIN BROWNLEE
NICK JORDAN
LAURA KELLY

Conferees on part of Senate

Senator Brownlee moved the Senate adopt the Conference Committee Report on **SB 108**.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Haley.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 116**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 3, by striking all in lines 22 through 26 and inserting in lieu thereof the following:
“(d) The secretary of social and rehabilitation services shall license and inspect any facility or provider of residential services which serves two or more residents who are not self-directing their services and which is subject to licensure under subsection (a)(5) of this section, unless the provider of services is already licensed to provide such services.”;

And by renumbering sections accordingly;

And your committee on conference recommends the adoption of this report.

JIM MORRISON
PEGGY MAST
NANCY KIRK

Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY

Conferees on part of Senate

Senator Barnett moved the Senate adopt the Conference Committee Report on **SB 116**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,

McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 119**, submits the following report:

The House recedes from all of its amendments to the bill and your committee on conference further agrees to amend the bill as printed as originally introduced, as follows:

On page 2, in line 21, by striking “, in” and inserting “:

(i) In”;

Also on page 2, in line 22, following the semicolon, by inserting “or

(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: drivers license number, license type, date of birth, name, address, issue date and expiration date;”;

On page 3, in line 30, following “subsection” by inserting “(c)(1)(B)(ii) or”;

And your committee on conference recommends the adoption of this report.

GARY K. HAYZLETT
JOHN FABER
MARGARET E. LONG

Conferees on part of House

LES DONOVAN
DENNIS WILSON
MARK S. GILSTRAP

Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 119**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 181**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

KATHE DECKER
MICHAEL O'NEAL
MARTI CROW

Conferees on part of House

JOHN VRATIL
DEREK SCHMIDT
ANTHONY HENSLEY

Conferees on part of Senate

On motion of Senator Vratil, the Senate adopted the conference committee report on **SB 181**, and requested a new conference committee be appointed.

The President appointed Senators Vratil, D. Schmidt and Hensley as a Conference Committee on the part of the Senate on **SB 181**

ORIGINAL MOTION

Senator D. Schmidt moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and dispense with the distribution of copies of the conference committee report on **SB 225**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 225**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 20 through 43;

By striking all on pages 2 through 16 and inserting the following:

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

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

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702 and amendments thereto.

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

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458 and amendments thereto, to the following claimants:

4 T Total Lawn, Inc. 10960 Eicher Dr. Lenexa, KS 66219	\$1,223.53
Ala, George F. 22829 Showalter Rd. La Cygne, KS 66040	\$49.89
Algrim, Tim 10552 Lakeview Ct. Dodge City, KANSAS 67801	\$2,477.40
Allen, Jerry R. 1630 Killdeer Howard, KS 67349	\$48.94
Amino Bros. Co., Inc. 8110 Kaw Dr. Box 11277 Kansas City, KS 66111	\$14,870.48
Anderes Farms 492 Hwy 15 Hope, KS 67451	\$181.82
Bayless, Dennis L. RR1 Box 110 Havana, KS 67347	\$65.50

Becker, David 3067 Q Ave. Herington, KS 67449	\$20.88
Becker, Raymond C. 468 Hwy 20 West Lancaster, KS 66041	\$713.76
Bergin, Wayne 1990 Limestone Rd. Clay Center, KANSAS 67432	\$63.20
Bestmark Express, Inc. P.O. Box 269 Strong City, KS 66869	\$1,858.73
Bierly, Robert D. 10629 SE Woodring Overbrook, KS 66524	\$67.34
Blue Valley Tractor & Supply 20219 Metcalf Box 219 Stillwell, KS 66065	\$67.80
Blume, Larry 9010 Water Mill Rd. Wamego, KS 66547	\$582.57
Bob Pierce Farm 3444 W Main Independence, KS 67301	\$42.96
Boeing Co., Wichita Div. P.O. Box 7730 K11-14 Wichita, KS 67277	\$9,646.82
Bohm Farm & Ranch, Inc. 632 S Broadway Salina, KS 67401	\$87.82
Bollig, Gilbert E. HC 1 Box 43 Clayton, KS 67629	\$291.66
Bowman, Jay D. 8041 T Road Smith Center, KS 66967	\$31.00
Brack Farms 12782 Bonita Hghs. Santa Anna, CA 92705	\$123.00
Brackeen Line Cleaning, Inc. P.O. Box 434 Clafin, KS 67525	\$166.55
Brennecke, Paul T. 1021 S. Rutter Chanute, KS 66720	\$37.17
Brookridge Golf & Cntry. Club 8223 W 103rd St. Overland Park, KS 66212	\$100.00
Brox, Anton R. 12313 Jewell Rd. Huron, KS 66041	\$35.60
Christiansen Ranch 245 300th Road Durham, KS 67438	\$162.50
Cikanek, Kelly E. 338 Webb St. Ellsworth, KS 67439	\$69.66

City of Alma P.O. Box 444 Alma, KS 66401	\$161.69
City of Lincoln Center 153 W Lincoln Box 126 Lincoln, KS 67455	\$106.21
City of Linn 104 5th Linn, KS 66953	\$52.57
City of Merriam 9000 W 62nd Terr. Merriam, KS 66202	\$1,828.67
CJ Schemper Farms, Inc. 1219 W 1500 Rd. Prairie View, KS 67664	\$98.20
Clemence, Joe F. or Joanna 2541 Jeep Rd. Abilene, KS 67410	\$88.50
Cloud Co. Community College 2221 Campus Dr. Concordia, KS 66901	\$476.10
Dexter, J.W. 2082 E 100 Rd. Lecompton, KS 66050	\$95.40
Eisenbise, William P.O. Box 144 Morrill, KS 66515	\$52.20
Ellenz, Leland J. RR 1 Box 6 Cawker City, KS 67490	\$37.21
Everhart, Jay V. 9940 S Amos Rd. Gypsum, KS 67448	\$38.59
Evert, Eldon P.O. Box 156 Republic, KS 66964	\$33.53
Faidley, Harold 385 Buffalo Rd. Longford, KS 67458	\$51.70
Forcum Truck Line, Inc. 3237 Conestoga Tr. Richfield, WI 53076	\$1,875.08
Garten Bros., Inc. 2305 Fair Rd. Abilene, KS 67410	\$675.00
Graham County Highway Dept. P.O. Box 218 Hill City, KS 67642	\$1,061.08
Grant Township 3030 E 101st N Valley Ctr., KS 67147	\$54.00
Hale Farms 537 N 1700 Rd Lawrence, KS. 66049	\$208.95
Halliburton Co. Energy Serv. P.O. Drawer 1431 Duncan, OK 73536	\$13,541.69

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Hamilton, Gene 61 SW 110th St. Hallowell, KS 66725	\$42.50
Handke, Eugene 11333 Neosho Rd. Atchison, KS 66002	\$180.63
Henning, Leonard 10595 SW 70th Spivey, KS 67142	\$272.81
Hermes Company, Inc. 12421 Santa Fe Trail Dr. Lenexa, KS 66215	\$12,009.62
Hertel, Eddie 10483 US Hwy 56 Dodge City, KS 67801	\$23.64
Holthaus, David RR 1 Box 85 Baileyville, KS 66404	\$235.77
Ifland, Kurt or Kim P.O. Box 597 Gaylord, KS 67638	\$26.58
Irons Feed Lot, Inc. 11252 Wildfire Rd. Minneola, KS 67865	\$33.00
Jeardoe, Lee RR 2 Box 168 Belleville, KS 66935	\$30.08
K & L Tank Truck Service, Inc. 2101 SW 21st St. Topeka, KS 66604	\$399.92
Kansas Acid, Inc. 327 W 4th Ave. #550 Hutchinson, KS 67504	\$754.73
Kansas Production Co. 120 N Sherman Sedan, KS 67361	\$729.80
Karr, Glenn 36130 Sprg. Valley Paola, KS 68071	\$54.00
Kechi Township 900 E 69th St. N Wichita, KS 67129	\$60.21
Kerschen, Raymond 2645 NE 130th Ave. Cheney, KS 67025	\$22.95
Kirchoff, Rodney 2002 Apache Dr. Garden City, KS 67846	\$56.07
Kisner, Marvin RR 1 Box 95A Bison, KS 67520	\$54.00
Klahr, Delmer 12258 302nd Rd. Netawaka, KS 66516	\$33.00
Komp, Rufus 4308 S Ridge Rd. Wichita, KS 67215	\$49.17

L & M Well Servicing Inc. Box 528 Russell, KS 67665	\$308.76
Loe, Donald 1077 Paint Rd. Hope, KS 67451	\$50.55
Lucian, John 2562 NW Star Valley Rd. Columbus, KS 66725	\$108.05
Lund, Lowell 1951 W 217th Dr. Waldo, KS 67673	\$125.07
Marquis, Wayne 12120 W 387 St. La Cygne, KS 66040	\$110.35
Martin, Jim 354 W 290th Dr. Lucas, KS 67648	\$396.20
Mayhugh, J.W. 4515 Quail Rd. Prescott, KS 66767	\$65.04
McDermed, Kent D. 1516 Park Place Dr. Atchison, KS 66002	\$114.95
Melvin Gengler Farms, Inc. RR 1 Box 65 Beloit, KS 67420	\$54.00
Metzinger, Dale T. 2005 MacKenzie Way Yukon, OK 73099	\$87.90
Miller, Leon 2406 N Brownlee Rd. Sylvia, KS 67581	\$345.07
Mueller Dairy 2040 Delaware Humbolt, KS 66748	\$338.24
Nurnberg, Howard RT 3 Box 55A Emporia, KS 66801	\$213.21
Olson, Keith H. 278 S 1000 Road Alta Vista, KS 66834	\$100.00
Osborn, Max P.O. Box 82 Gridley, KS 66852	\$180.09
Perkins, Bill E. RR 1 Box 50 Howard, KS 67349	\$201.83
Perry, Philip L. 16506 Fairview Rd. Oskaloosa, KS 66066	\$34.45
Peterson Farm & Livestock, Inc. 10729 S Simpson Rd. Assaria, KS 67416	\$560.93
Peterson, Kevin RR 1 Box 12A Garfield, KS 67529	\$1,647.00

Prairie Highlands Golf Course, L.L.C. 14695 S Inverness St. Olathe, KS 66061	\$3,039.96
Pringle Ranch 557 Hwy 75 Yates Center, KS 66783	\$100.00
Red Bee Ranch 953 S Greenwich Rd. Wichita, KS 67207	\$54.00
Regier, Edwin J. 1032 N Woodlawn Rd. Newton, KS 67114	\$31.00
Rehmer, Joe RR 1 Box 57 Grinnell, KS 67736	\$115.64
Remnant Co. P.O. Box 404 Goodland, KS 67735	\$210.73
Resource Management Co., Inc. RR 1 Box 69 Brownville, KS 67521	\$389.93
Richter, Jerry P.O. Box 158 Hanover, KS 66945	\$91.08
Rieger Farms, Inc. 506 Kansas Ave. Hiawatha, KS 66434	\$305.55
Rogers, Dennis HC 1 Box 91 Selden, KS 67757	\$77.46
Ryan, Harry M. 24499 159th St. Leavenworth, KS 66048	\$68.95
S & S Quality Meats, L.L.C. P.O. Box 629 Emporia, KS 66801	\$612.68
Sailors Stock Farm 18510 210th Rd. Erie, KS 66733	\$51.01
Samuelson, Theodore C. 1116 Broadway Concordia, KS 66901	\$37.71
Schlumberger Technology Corp. 2400 Packer Rd. Lawrence, KS 66049	\$2,127.67
Shields, William T. 21655 Donahoo Rd. Havensville, KS 66432	\$235.15
Skibee, Greg A. 6005 E Finney Scott Rd. Scott City, KS 67871	\$36.00
Smith, Billy J. RR 1 Box 116 Formoso, KS 66942	\$54.00
Smith, Danny 1550 Hwy 59 Parsons, KS 67357	\$40.86

Soukup, Ernest W. 256 5th Rd. Wilson, KS 67490	\$86.43
Spencer, Roy 3923 Finny Rd. Princeton, KS 66078	\$123.00
St. Mary's Colgan School 212 E 9th Pittsburg, KS 66762	\$331.30
Stafford Community USD 349 318 E Broadway Box 400 Stafford, KS 67578	\$2,218.91
Stauffer, Auswell F. 22532 I Road Holton, KS 66436	\$17.20
Stephens, Paul 1075 W 7th Colby, KS 67701	\$361.13
Stoeber, John P.O. Box 104 Jewell, KS 66949	\$47.79
Sunflower Electric Holdings P.O. Box 980 Hays, KS 67601	\$17,046.26
Sweaney, Verne E. 1226 Road 2 Cedar Vale, KS 67024	\$18.26
Swingle Bros. 1772 W 20th Ave. N Argonia, KS 67004	\$68.95
Thowe, Art 1224 S Manhattan Ave. Manhattan, KS 66502	\$14.90
Turpin, Larry J. 1154 160th Rd. Troy, KS 66087	\$49.17
Uphaus, Donald 104 S 14th Seneca, KS 66538	\$50.55
USD 223 212 North Tripp St. Barnes, KS 66953	\$129.00
USD 233 Olathe 14160 Black Bob Olathe, KS 66062	\$18,653.78
USD 430 S Brown County 522 Central Horton, KS 66439	\$855.57
USD 455 — Hillcrest School P.O. Box 167 Cuba, KS 66940	\$614.57
USD 512 Shawnee MSN 7235 Antioch Shawnee Mission, KS 66204	\$9,421.88
Walker, Daniel A. 31712 241st Rd. Maple City, KS 67102	\$131.40

Warren, George RR 1 Box 147 Uniontown, KS 66779	\$50.55
Wasinger, Arlyn F. 1259 Chetolah Gold Rd. Hays, KS 67601	\$52.62
Weber, Vince RT 3 Box 70 Fredonia, KS 66736	\$125.76
Widows, Gilbert 7200 S Highway 83 Garden City, KS 67846	\$83.44
Wildcat Concrete Services, Inc. P.O. Box 750075 Topeka, KS 66675	\$154.97
Willis, Clark P.O. Box 418 Pleasanton, KS 66075	\$114.51
Winkley, Lawrence 1579 Mustang Rd. Marion, KS 66861	\$101.77
Winterman, John 16870 Elm Slough Rd. Wamego, KS 66547	\$295.65
Worrell, James 1085 N Hwy 7 Fort Scott, KS 66701	\$216.23
Wrosch, Danny E. 20755 Rolling Pr. Rd. Onaga, KS 66521	\$69.64
Zumbrunn, Robert J. 1958 3100 Ave. Chapman, KS 67431	\$114.95
<p>Sec. 3. (a) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the youth services aid and assistance account of the state general fund as reimbursement for medical services rendered to juvenile offenders, to the following claimant: Elm Acres Youth and Family Services, Inc. P.O. Box 1135 Pittsburg, KS 66762.....</p>	
	\$83,096.07
<p>(b) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the Rainbow mental health facility — operating expenditures account of the state general fund for payments for services rendered, invoices for which were processed in an untimely manner, to the following claimant: Hagemeyer North America, Inc. 11680 Great Oaks Way, Suite 300 Alpharetta, GA 30022.....</p>	
	\$101.50
<p>Sec. 4. The department of revenue is hereby authorized and directed to pay the following amount from the motor carrier tax refund fund as reimbursement for overpayments of <i>ad valorem</i> property taxes, for 2002 and 2003, to the following claimant: First Class Cartage, Inc. P.O. Box 15584 Lenexa, KS 66215 — 5584</p>	
	\$27,881.00
<p><i>Provided</i>, That, notwithstanding the provisions of K.S.A. 79-6a09, and amendments thereto, or any other statute, such amount shall be paid to the claimant from the motor carrier tax refund fund and, for the purposes of payment of such amount from the motor carrier tax refund fund during the fiscal year 2005 of fiscal year 2006, the limitation of \$5,000 estab-</p>	

lished by K.S.A. 79-6a09, and amendments thereto, on the amount that may be credited in the motor carrier tax refund fund is hereby increased to accommodate such payment on the date the payment is made pursuant to this section.

Sec. 5. The board of tax appeals is hereby authorized and directed to pay the following amount from the BOTA filing fee fund as reimbursement for a filing fee which was paid for a tax appeal that the board of tax appeals had no statutory authority to review, to the following claimant:

Melissa A. Vinson
 1730 Candance Lane
 El Dorado, KS 67042..... \$250.00

Sec. 6. (a) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility — facilities operations account of the state general fund for loss of claimant’s personal property while claimant was in the care, custody and control of the personnel at the Hutchinson correctional facility, to the following claimant:

Larry D. Braun, #66898
 P.O. Box 1568
 Hutchinson, KS 67504—1568..... \$18.00

(b) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility — facilities operations account of the state general fund for loss of claimant’s personal property while claimant was in the care, custody and control of the personnel at the Hutchinson correctional facility, to the following claimant:

Todd Rassel, #62280
 P.O. Box 2
 Lansing, KS 66043..... \$26.54

(c) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility — facilities operations account of the state general fund for loss of claimant’s personal property while claimant was in the care, custody and control of the personnel at the Lansing correctional facility, to the following claimant:

James Cromwell, #54774
 P.O. Box 2
 Lansing, KS 66043..... \$5.88

(d) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility — facilities operations account of the state general fund for loss of claimant’s personal property while claimant was in the care, custody and control of the personnel at the Lansing correctional facility, to the following claimant:

Jeffrey T. Diederich, #59325
 1207 Tallgrass Dr.
 Eudora, KS 66025..... \$54.65

(e) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility — facilities operations account of the state general fund for loss of claimant’s personal property while claimant was in the care, custody and control of the personnel at the Lansing correctional facility, to the following claimant:

Douglas Joseph Wayne Francis, #74719
 P.O. Box 546
 Newton, KS 67654..... \$65.79

(f) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado facility — facilities operations account of the state general fund for loss of claimant’s personal property while claimant was in the care, custody and control of the personnel at the El Dorado correctional facility, to the following claimant:

Ron Smith, #51790
 P.O. Box 311
 El Dorado, KS 67042..... \$41.30

(g) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado facility — facilities operations account of the state general fund

for loss of claimant's personal property while claimant was in the care, custody and control of the personnel at the El Dorado correctional facility, to the following claimant:

Steven A. Ford, #68456
P.O. Box 311
El Dorado, KS 67042 \$5.16

(h) The department of corrections is hereby authorized and directed to pay the following amount from the Ellsworth correctional facility — facilities operations account of the state general fund for loss of claimant's personal property while claimant was in the care, custody and control of the personnel at the Ellsworth correctional facility, to the following claimant:
Fredrick N. Patterson, #63110
P.O. Box 107

Ellsworth, KS 67439 \$25.00

(i) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correction facility — facilities operations account of the state general fund as reimbursement for damage to claimant's car parked in the facility's employee parking lot, to the following claimant:

Charles Nance
7121 Berkley Ave.
Kansas City, MO 64152 \$250.00

(j) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correction facility — facilities operations account of the state general fund as reimbursement for damage to claimant's car parked in the facility's employee parking lot, to the following claimant:

William James Johnson
117 W Lois
Lansing, KS 66043 \$150.00

Sec. 7. (a) The department of revenue is hereby authorized and directed to pay the following amount from the division of vehicles operating fund as reimbursement for improvements made by the claimant to leasehold requested by the department of revenue, who subsequently terminated the lease before moving in, to the following claimant:

Harry Baxter
HB Stereo Incorporated
130 E Poyntz Ave.
Manhattan, KS 66502
c/o Brenda J. Bell
Attorney at Law
P.O. Box 816
Manhattan, KS \$10,218.10

(b) The department of revenue is hereby authorized and directed to pay the following amount from the special fuels tax refund fund as reimbursement for a claim for refund for lost or destroyed fuel which was filed in an untimely manner, to the following claimant:

John Lopp
Lopp Oil Co. Inc.
P.O. Box 334
Columbus, KS 66725 \$774.80

(c) The department of revenue is hereby authorized and directed to pay the following amount from the sales tax refund fund as reimbursement for attorney fees and associated expenses related to challenging a tax warrant and lien which was dismissed, to the following claimant:

Melissa A. Vinson
1730 Candance Lane
El Dorado, KS 67042 \$1,588.28

Sec. 8. (a) The department of administration is hereby authorized and directed to pay the following amount from the cancelled warrants payment fund as reimbursement for a penalty deducted to issue a replacement warrant for a rent payment which was never received by the claimant, to the following claimant:

G.D.C. Financial Group, L.L.C.
 Gateway Plaza ACEO 1, c/o
 Richard Ellis, Inc.
 P.O. Box 1450, NW #7785
 Minneapolis, MN 55485-7785..... \$5,957.55

(b) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an expired warrant, to the following claimant:

Tony G. Stites
 2337 North Parkridge Court
 Wichita, KS 67205 \$542.00

(c) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an expired warrant, to the following claimant:

John Seitz
 402 W. Carson St. #25
 Carson, CA 90745..... \$3,660.27

(d) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for a canceled warrant, to the following claimant:

University of Wisconsin - Madison
 400 A.W. Peterson Bldg.
 750 University Ave.
 Madison, WI 53706-1490..... \$214,089.49

(e) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an expired warrant, to the following claimant:

Randy Russell
 502 West Ave.
 Norton, KS 67654 \$435.89

Sec. 9. The department of wildlife and parks is hereby authorized and directed to pay the following amount from the parks fee fund as reimbursement for damage to claimant's pasture caused by a fire set by a state park patron, to the following claimant:

Duane W. Walker
 1422 27th Ave.
 Canton, KS 67428..... \$3,000.00

Sec. 10. The university of Kansas is hereby authorized and directed to pay the following amount from the general fees fund as reimbursement for out-of-state tuition paid by a student who was subsequently granted in-state tuition, to the following claimant:

Ms. Terica Gatewood
 1408 N.W. Central Ave.
 Topeka, KS 66608 \$7,476.00

Sec. 11. There is appropriated from the state general fund for the fiscal year ending June 30, 2005, the following amount, which is hereby authorized and directed to be paid from the state general fund as reimbursement for injuries to claimant's impounded horses while in the custody of the Hutchinson correctional facility following seizure, and related expenses incurred by claimant in obtaining release of such horses, to the following claimant:

Lyle Hanschu
 3536 U.S. Hwy. 56
 Lost Springs, KS 66859..... \$5,000

Sec. 12. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 2 as motor-

vehicle fuel tax refunds or as transactions between state agencies as provided by this act, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 13.

STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 13(a) of chapter 123 of the 2004 Session Laws of Kansas on the bank commissioner fee fund is hereby decreased from \$6,236,279 to \$6,033,203.

Sec. 14.

STATE BOARD OF HEALING ARTS

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2005, by section 22 of chapter 138 of the 2003 Session Laws of Kansas for the state board of healing arts is hereby increased from 29.0 to 30.0.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$750,000 from the healing arts fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the healing arts fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the healing arts fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state board of healing arts by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 15.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 17(a) of chapter 123 of the 2004 Session Laws of Kansas on the cosmetology fee fund is hereby decreased from \$722,874 to \$699,359.

Sec. 16.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 18(a) of chapter 123 of the 2004 Session Laws of Kansas on the credit union fee fund is hereby decreased from \$917,464 to \$898,833.

Sec. 17.

KANSAS DENTAL BOARD

(a) During the fiscal year ending June 30, 2005, the director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the dental board fee fund during fiscal year 2005, and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the dental board fee fund during fiscal year 2005 are insufficient to finance the budgeted expenditures for fiscal year 2005 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money as certified from the state general fund to the dental board fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2005 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification. On or before June 30, 2005, the director of accounts and reports shall transfer moneys from the dental board fee fund to the state general fund to reimburse the state general fund the amount of money equal to the aggregate of all amounts transferred during fiscal year 2005 pursuant to this subsection.

Sec. 18.

STATE BOARD OF MORTUARY ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 23(c) of chapter 138 of the 2003 Session Laws of

Kansas on the KSIP expenditure account of the mortuary arts fee fund is hereby decreased from \$27,871 to \$10,000.

Sec. 19.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING AIDS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 21(a) of chapter 123 of the 2004 Session Laws of Kansas on the hearing aid board fee fund is hereby increased from \$22,129 to \$27,331.

Sec. 20.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 22(b) of chapter 123 of the 2004 Session Laws of Kansas on the board of nursing fee fund is hereby increased from \$1,478,622 to \$1,536,909.

Sec. 21.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 24(b) of chapter 123 of the 2004 Session Laws of Kansas on the state board of pharmacy fee fund is hereby increased from \$637,221 to \$699,830.

(b) Notwithstanding the provisions of section 140(c)(1)(A) of chapter 123 of the 2004 Session Laws of Kansas, the amount to be transferred from the state board of pharmacy fee fund to the state general fund on or before June 30, 2005, shall not exceed \$843,600.

Sec. 22.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 27(a) of chapter 123 of the 2004 Session Laws of Kansas on the securities act fee fund is hereby decreased from \$2,204,375 to \$2,151,649.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2005, by section 22 of chapter 138 of the 2003 Session Laws of Kansas for the office of the securities commissioner of Kansas is hereby increased from 27.8 to 28.0.

Sec. 23.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) In addition to the other purposes for which expenditures may be made by the state board of technical professions from moneys appropriated from the technical professions fee fund for fiscal year 2005 for the state board of technical professions as authorized by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas, chapter 123 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the state board of technical professions for fiscal year 2005 for official hospitality: *Provided*, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2005, for official hospitality shall not exceed \$500.

Sec. 24.

INSURANCE DEPARTMENT

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

Settlements fund No limit

(b) On the effective date of this act, the director of accounts and reports shall transfer \$103,183 from the state general fund to the settlements fund of the insurance department: *Provided*, That any unencumbered balance in the settlements fund account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Sec. 25.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) On the effective date of this act, of the \$15,400,621 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 82(a) of chapter 123 of the 2004 Session

Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$360,843 is hereby lapsed.

(b) On the effective date of this act, of the \$1,922,489 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 82(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the capital defense operations account, the sum of \$36,684 is hereby lapsed.

(c) During the fiscal year ending June 30, 2005, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2005, from the state general fund for the state board of indigents' defense services to any other item of appropriation for the fiscal year 2005 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

Sec. 26.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 84(c) of chapter 123 of the 2004 Session Laws of Kansas on the agency operations account of the expense reserve of the Kansas public employees retirement fund is hereby decreased from \$6,826,058 to \$6,645,408.

(b) On the effective date of this act, the amount of \$4,611,533 authorized by section 84(e) of chapter 123 of the 2004 Session Laws of Kansas to be transferred by the director of accounts and reports from the Kansas endowment for youth fund of the Kansas public employees retirement system to the state general fund is hereby decreased to \$1,654,514.

Sec. 27.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, of the \$1,392,724 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 85(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$15,369 is hereby lapsed.

Sec. 28.

STATE BOARD OF TAX APPEALS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 89(b) of chapter 123 of the 2004 Session Laws of Kansas on the duplicating fees fund is hereby decreased from \$13,994 to \$608.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 89(b) of chapter 123 of the 2004 Session Laws of Kansas on the BOTA filing fee fund is hereby decreased from \$279,220 to \$252,000.

Sec. 29.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, of the \$20,046,408 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 90(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$2,481,961 is hereby lapsed.

Sec. 30.

KANSAS LOTTERY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 91(a) of chapter 123 of the 2004 Session Laws of Kansas on the lottery operating fund is hereby decreased from \$9,303,945 to \$9,118,480.

(b) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto, in addition to the aggregate amount of not less than \$63,250,000 that shall be transferred from the lottery operating fund to the state gaming revenues fund for the fiscal year ending June 30, 2005, as prescribed by section 91(b) of chapter 123 of the 2004 Session Laws of Kansas, an additional amount of not less than \$290,000 shall be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2005, for a new aggregate amount of not less than \$63,540,000 to be transferred from the lottery op-

erating fund to the state gaming revenues fund for fiscal year 2005 in monthly transfers concluding on or before July 15, 2005.

Sec. 31.

KANSAS RACING AND GAMING COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 92(a) of chapter 123 of the 2004 Session Laws of Kansas on the state racing fund is hereby decreased from \$3,047,161 to \$2,757,090.

(b) The director of accounts and reports shall not make the transfer of \$115,016 from the state racing fund of the Kansas racing and gaming commission to the state gaming revenues fund of the department of administration which was directed to be made on or before June 30, 2005, by section 92(g) of chapter 123 of the 2004 Session Laws of Kansas.

Sec. 32.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$14,868,030 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 93(a) of chapter 123 of the 2004 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$130,648 is hereby lapsed.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser — federal fund for fiscal year or years specified, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser — federal fund during the fiscal year or years specified, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service — 1430 Topeka facilities

For the fiscal year ending June 30, 2005..... \$66,330

Provided, That all expenditures from the debt service — 1430 Topeka facilities account shall be in addition to any expenditure limitation imposed on the Wagner Peyser — federal fund for fiscal year 2005: *Provided further*, That all expenditures from the debt service — 1430 Topeka facilities account of the Wagner Peyser — federal fund for fiscal year 2005 shall be made in accordance with the assignment agreement entered into by the department of labor and the department of commerce on July 1, 2004, and all addenda thereto, under which the obligation for bond principal and interest payments for the Kansas Development Finance Authority Lease Revenue Bonds, Series 2002H (State of Kansas — Department of Human Resources Acquisition and Renovation project), dated as of August 15, 2002, issued to finance the costs of the capital improvement projects to remodel the agency headquarters and to purchase a building and parking lot at 1430 Topeka Boulevard in Topeka, Kansas, was assigned to department of commerce from the department of labor and the bond principal and interest payments for such bonds are to be paid by the department of commerce in accordance with and subject to such assignment agreement and addenda and the applicable bond covenants.

Rehabilitation and repair

For the fiscal year ending June 30, 2005..... \$40,000

(c) In addition to the other purposes for which expenditures may be made by the above agency from the WIA — setaside — federal fund for fiscal year or years specified, expenditures may be made by the above agency from the following capital improvement account or accounts of the WIA — setaside — federal fund during the fiscal year or years specified, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service — 1430 Topeka facilities

For the fiscal year ending June 30, 2005..... \$66,330

Provided, That all expenditures from the debt service — 1430 Topeka facilities account shall be in addition to any expenditure limitation imposed on the WIA — setaside — federal fund for fiscal year 2005: *Provided further*, That all expenditures from the debt service — 1430 Topeka facilities account of the WIA — setaside — federal fund for fiscal year 2005 shall be made in accordance with the assignment agreement entered into by the department of labor and the department of commerce on July 1, 2004, and all addenda thereto, under which the obligation for bond principal and interest payments for the Kansas Development

Finance Authority Lease Revenue Bonds, Series 2002H (State of Kansas — Department of Human Resources Acquisition and Renovation project), dated as of August 15, 2002, issued to finance the costs of the capital improvement projects to remodel the agency headquarters and to purchase a building and parking lot at 1430 Topeka Boulevard in Topeka, Kansas, was assigned to department of commerce from the department of labor and the bond principal and interest payments for such bonds are to be paid by the department of commerce in accordance with and subject to such assignment agreement and addenda and the applicable bond covenants.

Rehabilitation and repair

For the fiscal year ending June 30, 2005..... \$40,000

(d) On the effective date of this act, the director of accounts and reports shall transfer any unencumbered balance in the wheat harvest program account of the special employment security fund of the department of labor to the wheat harvest program — non-federal fund of the department of commerce. On the effective date of this act, all liabilities of the wheat harvest program account of the special employment security fund are hereby transferred to and imposed on the wheat harvest program — non-federal fund and the wheat harvest program account of the special employment security fund of the department of labor is hereby abolished.

Sec. 33.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On the effective date of this act, of the \$11,490,217 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 95(a) of chapter 123 of the 2004 Session Laws of Kansas from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$128,543 is hereby lapsed.

Sec. 34.

DEPARTMENT OF LABOR

(a) On the effective date of this act, any unencumbered balance in the welfare to work grant — state match account of the state general fund is hereby lapsed.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2005, by section 38(g) of chapter 184 of the 2004 Session Laws of Kansas for the department of labor is hereby decreased from 652.80 to 634.23.

Sec. 35.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures — veterans affairs	\$81,437
Persian Gulf War veterans health initiative program.....	\$7,385
Additional operating expenditures — soldiers and veterans homes	\$105,000
Operating expenditures — Kansas soldiers' home	\$100,000

(b) On the effective date of this act, of the \$437,902 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 97(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operations — state veterans cemeteries account, the sum of \$20,000 is hereby lapsed.

Sec. 36.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the food safety fund of the department of agriculture to the food inspection fee fund of the department of health and environment — division of health.

(b) On the effective date of this act, of the \$6,926,940 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 98(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$73,162 is hereby lapsed.

Sec. 37.

DEPARTMENT ON AGING

(a) On the effective date of this act, of the \$123,683 appropriated for the above agency

for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the administration — assessments account, the sum of \$11,841 is hereby lapsed.

(b) On the effective date of this act, of the \$33,530 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the administration — assessments — Level II care account, the sum of \$8,051 is hereby lapsed.

(c) On the effective date of this act, of the \$283,645 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the administration — assessments — Level I care account, the sum of \$68,200 is hereby lapsed.

(d) On the effective date of this act, of the \$1,687,989 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the administration — medicaid account, the sum of \$189,445 is hereby lapsed.

(e) On the effective date of this act, of the \$182,473 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the administration — older Americans act match account, the sum of \$27,469 is hereby lapsed.

(f) On the effective date of this act, of the \$6,000,000 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the senior care act account, the sum of \$394,234 is hereby lapsed.

(g) On the effective date of this act, of the \$1,951,769 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — TCM/FE account, the sum of \$142,952 is hereby lapsed.

(h) On the effective date of this act, of the \$24,091,046 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — HCBS/FE account, the sum of \$8,331,877 is hereby lapsed.

(i) On the effective date of this act, of the \$127,660,800 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account, the sum of \$11,059,854 is hereby lapsed.

(j) On the effective date of this act, of the \$2,084,764 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the nursing facilities regulation account, the sum of \$109,404 is hereby lapsed.

(k) On the effective date of this act, of the \$967,622 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 100(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the nursing facilities regulation — title XIX account, the sum of \$59,202 is hereby lapsed.

(l) On the effective date of this act, the expenditure limitation established by section 100(b) of chapter 123 of the 2004 Session Laws of Kansas on the intergovernmental transfer administration fund, is hereby decreased from no limit to \$41,127.

Sec. 38.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Youth services aid and assistance.....	\$6,881,172
Other medical assistance	\$21,204,145
Cash assistance	\$2,402,714
Mental health and retardation services aid and assistance.....	\$215,672

(b) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2005, by section 101(c) of chapter 123 of the 2004 Session

Laws of Kansas from the children’s initiatives fund in the children’s cabinet accountability fund account, the sum of \$300,318 is hereby lapsed.

(c) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2005, by section 101(c) of chapter 123 of the 2004 Session Laws of Kansas from the children’s initiatives fund in the children’s cabinet early childhood discretionary grant program account, the sum of \$827,280 is hereby lapsed.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 101(b) of chapter 123 of the 2004 Session Laws of Kansas on the social welfare fund is hereby increased from \$58,335,575 to \$59,418,068.

(e) On the effective date of this act, of the \$22,809,476 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 101(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the Larned state hospital — operating expenditures account, the sum of \$585,149 is hereby lapsed.

(f) On the effective date of this act, of the \$3,841,426 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 101(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the Rainbow mental health facility — operating expenditures account, the sum of \$162,577 is hereby lapsed.

(g) On the effective date of this act, the amount established by section 101(b) of chapter 123 of the 2004 Session Laws of Kansas as the amount that the secretary of social and rehabilitation services is to certify on June 30, 2005, to the director of the budget that expenditures for state operations from the social services clearing fund during fiscal year 2005 did not exceed, is hereby increased from \$306,526,585 to \$313,302,061.

(h) On the effective date of this act, of the \$6,772,365 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 24(g) of chapter 184 of the 2004 Session Laws of Kansas from the state institutions building fund in the rehabilitation and repair projects account, the sum of \$1,759,394 is hereby lapsed.

(i) 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 2005 as authorized by chapter 123 or chapter 184 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 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 2005 to prepare a report on the costs and other matters involved in increasing the rates paid during fiscal year 2006 for the state medicaid program and the state children’s health insurance program to the level of the rates paid by the federal medicare program and to report back to the committee on appropriations of the house of representatives during the 2005 regular session of the legislature during consideration of the omnibus appropriation bill and the omnibus reconciliation spending limit bill for the 2005 regular session.

Sec. 39.

DEPARTMENT OF EDUCATION

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

School district juvenile detention facilities and Flint Hills job corps center grants \$987,795

(b) On the effective date of this act, of the \$134,979,253 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 105(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the KPERs — employer contributions account, the sum of \$99,733 is hereby lapsed.

Sec. 40.

STATE LIBRARY

(a) On the effective date of this act, of the \$1,550,466 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 106(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$30,000 is hereby lapsed.

Sec. 41.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, of the \$4,501,339 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 108(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$108,722 is hereby lapsed.

Sec. 42.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Rehabilitation and repair of Pawnee Indian village historic site..... \$125,000

Sec. 43.

WICHITA STATE UNIVERSITY

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

Aviation research debt service..... \$1,057,482

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Leveraging educational assistance partnership — federal fund..... No limit

Sec. 44.

STATE BOARD OF REGENTS

On the effective date of this act, of the \$3,132,222 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 120(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$558,702 is hereby lapsed.

Sec. 45.

DEPARTMENT OF CORRECTIONS

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

Treatment and programs \$221,400

Facilities operations \$187,163

Winfield correctional facility — facilities operations..... \$100,468

(b) On the effective date of this act, of the \$12,448,462 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 121(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the Norton correctional facility — facilities operations account, the sum of \$32,000 is hereby lapsed.

(c) On the effective date of this act of the \$32,910,090 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 121(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the Lansing correctional facility — facilities operations account, the sum of \$68,468, is hereby lapsed.

(d) On the effective date of this act, the \$1,460,000 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 37(a) of chapter 184 of the 2004 Session Laws of Kansas from the state general fund in the bedspace contracts account, is hereby lapsed.

Sec. 46.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$27,534,760 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 122(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$49,317 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 122(c) of chapter 123 of the 2004 Session Laws of Kansas on the juvenile detention facilities fund is hereby increased from \$3,602,740 to \$4,000,000.

(c) On the effective date of this act, of the \$5,414,487 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 122(b) of chapter 123 of the 2004 Session Laws of Kansas from the children’s initiatives fund in the prevention program grant account, the sum of \$149,368 is hereby lapsed.

(d) On the effective date of this act, of the \$3,585,513 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 122(b) of chapter 123 of the 2004 Session Laws of Kansas from the children’s initiatives fund in the intervention and graduated sanctions community grants account, the sum of \$147,504 is hereby lapsed.

(e) On the effective date of this act, of the \$5,855,242 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 122(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the Atchison juvenile correctional facility operations account, the sum of \$15,590 is hereby lapsed.

(f) On the effective date of this act, of the \$4,688,537 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 122(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the Beloit juvenile correctional facility operations account, the sum of \$93,886 is hereby lapsed.

(g) On the effective date of this act, of the \$7,870,781 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 122(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the Larned juvenile correctional facility operations account, the sum of \$160,960 is hereby lapsed.

(h) On June 30, 2005, any unencumbered balance in the following account of the state institutions building fund is hereby lapsed: Construction and remodeling juvenile correctional facilities.

(i) On the effective date of this act, the \$1,120,000 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 167(a) of chapter 123 of the 2004 Session Laws of Kansas from the state institutions building fund in the capital improvements — rehabilitation, remodeling, renovation and repair of juvenile correctional facilities account, is hereby lapsed.

(j) On the effective date of this act, of the \$4,001,013 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 167(a) of chapter 123 of the 2004 Session Laws of Kansas from the state institutions building fund in the debt service — Topeka complex and Larned juvenile correctional facility account, the sum of \$2,006,181 is hereby lapsed.

(k) On the effective date of this act, the \$494,908 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 167(a) of chapter 123 of the 2004 Session Laws of Kansas from the state institutions building fund in the install back-up generator at Topeka juvenile correctional facility account, is hereby lapsed.

(l) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2005, by section 187 of chapter 123 of the 2004 Session Laws of Kansas from the state institutions building fund in the capital improvements — rehabilitation, remodeling, renovation and repair of juvenile correctional facilities account, the sum of \$398,192 is hereby lapsed.

Sec. 47.

ADJUTANT GENERAL

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

Military activation payments..... \$250,000

Provided, That all expenditures from the military activation payments account shall be for military activation payments which are hereby authorized and directed to be made in accordance with and subject to the procedures, guidelines, limitations and restrictions, including the eligibility conditions, prescribed in executive directive no. 05-356, to officers and employees of state agencies in the executive, judicial or legislative branches of state government, who are called or have been called to active military duty on or after September 11, 2001.

(b) On the effective date of this act, of the \$912,005 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 165(a) of chapter 123 of the 2004 Session

Laws of Kansas from the state general fund in the debt service — rehabilitation and repair of the statewide armories account, the sum of \$287,421 is hereby lapsed.

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the Kansas military emergency relief fund for fiscal year 2005, as authorized by section 41(a) of chapter 184 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the Kansas military emergency relief fund for fiscal year 2005, for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization, to provide assistance to eligible family members experiencing financial emergencies: *Provided*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *Provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Kansas military emergency relief fund.

(d) During the fiscal year ending June 30, 2005, in addition to the other purposes for which transfers may be made by the adjutant general from the moneys appropriated in the nuclear safety emergency management fee fund for fiscal year 2005 by chapter 123 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2005 pursuant to agreements which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act.

Sec. 48.

STATE FIRE MARSHAL

(a) On or after the effective date of this act, upon certification by the director of the budget to the director of accounts and reports, the director of accounts and reports shall transfer \$225,000 from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal. Upon making such certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of the legislative research department.

Sec. 49.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2005, by section 137(a) of chapter 123 of the 2004 Session Laws of Kansas for the Kansas highway patrol is hereby increased from 823.8 to 824.1.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Motor vehicle fuel and storeroom sales fund..... No limit

Provided, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further*, That all fees received for such commodities and services shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *And provided further*, That, upon receipt of each such remittance, the state trea-

surer shall deposit the entire amount in the state treasury to the credit of the motor vehicle fuel and storeroom sales fund.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 164(a) of chapter 123 of the 2004 Session Laws of Kansas on the debt service — training center — Salina account of the highway patrol training center fund is hereby decreased from \$599,975 to \$508,788.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 164(b) of chapter 123 of the 2004 Session Laws of Kansas on the debt service — vehicle inspection facility — Olathe account of the vehicle identification number fee fund is hereby decreased from \$59,848 to \$59,094.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 164(c) of chapter 123 of the 2004 Session Laws of Kansas on the debt service — Topeka fleet service account of the Kansas highway patrol operations fund is hereby increased from \$283,788 to \$374,975.

(f) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$91,187 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund. In addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2005 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2005 for support and maintenance of the Kansas highway patrol.

(g) On the effective date of this act, the interagency motor vehicle fuel sales fund of the Kansas highway patrol is hereby redesignated as the motor vehicle fuel and storeroom sales fund of the Kansas highway patrol.

Sec. 50.

KANSAS SENTENCING COMMISSION

(a) On the effective date of this act, of the \$5,291,441 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 129(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the substance abuse treatment programs account, the sum of \$293,055 is hereby lapsed.

(b) On the effective date of this act, of the \$543,098 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 129(a) of chapter 123 of the 2004 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$20,709 is hereby lapsed.

Sec. 51.

STATE FAIR BOARD

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

State fair debt service..... \$892,772

Sec. 52.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Agency motor pool fund..... No limit
Irrigation transition assistance program — federal fund..... No limit
NRCS contribution agreement 2002 farm bill — federal fund..... No limit

Sec. 53.

KANSAS WATER OFFICE

(a) On the effective date of this act, any unencumbered balance in excess of \$24,945 in the KSIP account of the state general fund is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Reclamation bureau drought assistance — federal fund..... No limit
Sec. 54.

DEPARTMENT OF WILDLIFE AND PARKS

(a) The secretary of wildlife and parks is hereby directed, after authorizing expenditures from the department access road fund or the bridge maintenance fund for the purpose of paying operating expenditures other than capital improvement projects, to pledge when sufficient funds are available on or after June 30, 2005, in the parks fee fund, to repay from the parks fee fund any and all amounts expended from the department access road fund or the bridge maintenance fund for the purpose of paying operating expenditures other than capital improvements.

Sec. 55.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 136(b) of chapter 123 of the 2004 Session Laws of Kansas on the agency operations account of the state highway fund is hereby decreased from \$238,895,934 to \$238,224,523.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 136(b) of chapter 123 of the 2004 Session Laws of Kansas on the construction, remodeling and special maintenance projects for buildings account of the state highway fund is hereby decreased from \$4,635,671 to \$1,112,948.

(c) On the effective date of this act, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$4,194,134 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the amount transferred from the state highway fund of the department of transportation 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 state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Other federal grants fund..... No limit

Provided, That no moneys received by the department of transportation that are highway trust funds or moneys that are received by the department of transportation under federal grants received on an ongoing basis shall be credited to the other federal grants fund.

Sec. 56.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2005, by section 63(a) of chapter 123 of the 2004 Session Laws of Kansas on the veterinary examiners fee fund is hereby decreased from \$281,238 to \$257,723.

(b) In addition to the other purposes for which expenditures may be made by the state board of veterinary examiners from the veterinary examiners fee fund for fiscal year 2005 as authorized by chapter 138 or 160 of the 2003 Session Laws of Kansas, by chapter 123 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the state board of veterinary examiners from the veterinary examiners fee fund for fiscal year 2005 for the costs of litigation and fees for private attorneys: *Provided*, That all such expenditures for fiscal year 2005 for the costs of litigation and fees for private attorneys shall be in addition to any expenditure limitation imposed on the veterinary examiners fee fund for fiscal year 2005.

Sec. 57.

ATTORNEY GENERAL

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

Operating expenditures \$48,374

(b) On the effective date of this act, the limitation established by section 76(a) of chapter

123 of the 2004 Session Laws of Kansas on the costs of defending the state or any employee of the state in any actions or proceedings on claims against the state or an employee of the state under the tort claims act or under the civil rights laws of the United States or of the state of Kansas is hereby increased from \$1,176,072 to No limit.

Sec. 58. (a) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2005 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 as authorized by chapter 123 or chapter 184 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 to provide a military pay differential for officers or employees of the state agency who are called or have been called to active military duty on or after September 11, 2001: *Provided, however,* That all such expenditures shall be made in accordance with and subject to the procedures, guidelines, limitations and restrictions, including the eligibility conditions, prescribed in executive directive no. 05-356.

(b) As used in this section, "state agency" means any state agency in the executive, judicial or legislative branches of state government.

Sec. 59.

ABSTRACTERS' BOARD OF EXAMINERS

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

Abstracters' fee fund	
For the fiscal year ending June 30, 2006.....	\$21,539
For the fiscal year ending June 30, 2007.....	\$21,719

Sec. 60.

BOARD OF ACCOUNTANCY

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

Board of accountancy fee fund	
For the fiscal year ending June 30, 2006.....	\$273,442
<i>Provided,</i> That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2007.....	\$278,284
<i>Provided,</i> That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$500.	

Special litigation reserve fund
For the fiscal year ending June 30, 2006..... No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2006, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso, (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2007..... No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2007, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this

proviso, (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2006, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2006, shall not exceed \$15,000: *And provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of the legislative research department.

Sec. 61.

STATE BANK COMMISSIONER

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

Bank commissioner fee fund

For the fiscal year ending June 30, 2006..... \$6,634,368

Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2006, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2006, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2007..... \$6,832,648

Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2007, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2007, for official hospitality for the division of banking shall not exceed \$1,000.

Bank examination and investigation fund

For the fiscal year ending June 30, 2006..... No limit

For the fiscal year ending June 30, 2007..... No limit

Consumer education settlement fund

For the fiscal year ending June 30, 2006..... No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2006, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2007..... No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2007, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

(b) During the fiscal years ending June 30, 2006, and June 30, 2007, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104 and amendments thereto or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlements shall be deposited in the state treasury to the credit of the consumer education settlement fund.

(c) (1) During the fiscal year ending June 30, 2006, one or more transfers of moneys may be made from the bank commissioner fee fund to the appropriate account of the restricted fees fund of Wichita state university pursuant to a contract which is hereby authorized to

be entered into by the deputy commissioner of the consumer and mortgage lending division and the Kansas council on economic education of Wichita state university to conduct a consumer credit education program: *Provided, however,* That the total amount of such transfers for the fiscal year ending June 30, 2006, shall not exceed \$70,000.

(2) During the fiscal year ending June 30, 2007, one or more transfers of moneys may be made from the bank commissioner fee fund to the appropriate account of the restricted fees fund of Wichita state university pursuant to a contract which is hereby authorized to be entered into by the deputy commissioner of the consumer and mortgage lending division and the Kansas council on economic education of Wichita state university to conduct a consumer credit education program: *Provided, however,* That the total amount of such transfers for the fiscal year ending June 30, 2007, shall not exceed \$70,000.

Sec. 62.

KANSAS BOARD OF BARBERING

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

Board of barbering fee fund	
For the fiscal year ending June 30, 2006.....	\$132,790
For the fiscal year ending June 30, 2007.....	\$134,568

Sec. 63.

BEHAVIORAL SCIENCES REGULATORY BOARD

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

Behavioral sciences regulatory board fee fund	
For the fiscal year ending June 30, 2006.....	\$551,670
<i>Provided,</i> That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2007.....	\$561,070

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$500.

Sec. 64.

STATE BOARD OF HEALING ARTS

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

Healing arts fee fund	
For the fiscal year ending June 30, 2006.....	\$2,585,367
<i>Provided,</i> That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$1,000: <i>Provided further,</i> That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2006, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2006.	
For the fiscal year ending June 30, 2007.....	\$2,701,908

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$1,000: *Provided further,* That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2007, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2007.

Sec. 65.

KANSAS STATE BOARD OF COSMETOLOGY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited

to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Cosmetology fee fund	
For the fiscal year ending June 30, 2006.....	\$737,008
For the fiscal year ending June 30, 2007.....	\$688,213

Sec. 66.

STATE DEPARTMENT OF CREDIT UNIONS

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

Credit union fee fund	
For the fiscal year ending June 30, 2006.....	\$933,062
<i>Provided</i> , That expenditures from the credit union fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$300.	

For the fiscal year ending June 30, 2007.....	\$934,032
<i>Provided</i> , That expenditures from the credit union fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$300.	

Sec. 67.

KANSAS DENTAL BOARD

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

Dental board fee fund	
For the fiscal year ending June 30, 2006.....	\$292,304
<i>Provided</i> , That expenditures from the dental board fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$400.	

For the fiscal year ending June 30, 2007.....	\$295,661
<i>Provided</i> , That expenditures from the dental board fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$400.	

(b) On July 1, 2005, the director of accounts and reports shall transfer \$4,817 from the state general fund to the dental board fee fund to finance the 27th payroll chargeable to fiscal year 2006.

(c) During the fiscal year ending June 30, 2006, the director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the dental board fee fund during fiscal year 2006, and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the dental board fee fund during fiscal year 2006 are insufficient to finance the budgeted expenditures for fiscal year 2006 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money as certified from the state general fund to the dental board fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures for fiscal year 2006 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification. On or before June 30, 2006, the director of accounts and reports shall transfer from the dental board fee fund to the state general fund to reimburse the state general fund the amount of money equal to the aggregate of all amounts transferred during fiscal year 2006 pursuant to this subsection.

Sec. 68.

STATE BOARD OF MORTUARY ARTS

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

Mortuary arts fee fund	
For the fiscal year ending June 30, 2006.....	\$242,623
For the fiscal year ending June 30, 2007.....	\$249,080

Sec. 69.

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

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

Hearing aid board fee fund	
For the fiscal year ending June 30, 2006.....	\$25,802
For the fiscal year ending June 30, 2007.....	\$26,306

(b) On July 1, 2005, the director of accounts and reports shall transfer \$658 from the state general fund to the hearing aid board fee fund to finance the 27th payroll chargeable to fiscal year 2006.

Sec. 70.

BOARD OF NURSING

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

Board of nursing fee fund	
For the fiscal year ending June 30, 2006.....	\$1,494,127
<i>Provided</i> , That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2007.....	\$1,517,295
<i>Provided</i> , That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$500.	

Gifts and grants fund	
For the fiscal year ending June 30, 2006.....	No limit
For the fiscal year ending June 30, 2007.....	No limit

Education conference fund	
For the fiscal year ending June 30, 2006.....	No limit
For the fiscal year ending June 30, 2007.....	No limit

Sec. 71.

BOARD OF EXAMINERS IN OPTOMETRY

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

Optometry fee fund	
For the fiscal year ending June 30, 2006.....	\$119,214
<i>Provided</i> , That expenditures from the optometry fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$300.	
For the fiscal year ending June 30, 2007.....	\$121,328

Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$300.

Sec. 72.

STATE BOARD OF PHARMACY

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

State board of pharmacy fee fund

For the fiscal year ending June 30, 2006..... \$594,491
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2007..... \$608,844
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$500.

Federal grant fund

For the fiscal year ending June 30, 2006..... No limit
 For the fiscal year ending June 30, 2007..... No limit
 Sec. 73.

REAL ESTATE APPRAISAL BOARD

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

Appraiser fee fund

For the fiscal year ending June 30, 2006..... \$256,054
 For the fiscal year ending June 30, 2007..... \$262,214

Federal registry clearing fund

For the fiscal year ending June 30, 2006..... No limit
 For the fiscal year ending June 30, 2007..... No limit
 Sec. 74.

KANSAS REAL ESTATE COMMISSION

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

Real estate fee fund

For the fiscal year ending June 30, 2006..... \$961,348
Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$200.
 For the fiscal year ending June 30, 2007..... \$964,464
Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$200.

Real estate recovery revolving fund

For the fiscal year ending June 30, 2006..... No limit
 For the fiscal year ending June 30, 2007..... No limit
 Sec. 75.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

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

Securities act fee fund

For the fiscal year ending June 30, 2006..... \$2,341,010
Provided, That, in the discretion of the securities commissioner, one or more transfers of money may be made from the securities act fee fund for the fiscal year ending June 30, 2006, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: *Provided further*, That the total amount of such transfers for the fiscal year ending June 30, 2006, shall not exceed \$20,000: *And provided further*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2007..... \$2,387,115
Provided, That, in the discretion of the securities commissioner, one or more transfers of money may be made from the securities act fee fund for the fiscal year ending June 30,

2007, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: *Provided further*, That the total amount of such transfers for the fiscal year ending June 30, 2007, shall not exceed \$20,000: *And provided further*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$2,000.

Investor education fund

For the fiscal year ending June 30, 2006..... No limit
Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$5,000.

For the fiscal year ending June 30, 2007..... No limit
Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$5,000.

Sec. 76.

STATE BOARD OF TECHNICAL PROFESSIONS

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

Technical professions fee fund

For the fiscal year ending June 30, 2006..... \$527,025

Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2007..... \$540,947

Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2007, for official hospitality shall not exceed \$500.

Special litigation reserve fund

For the fiscal year ending June 30, 2006..... No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2006, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso, (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2007..... No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2007, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso, (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

Sec. 77.

STATE BOARD OF VETERINARY EXAMINERS

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

Veterinary examiners fee fund

For the fiscal year ending June 30, 2006..... \$265,837

Provided, That the state board of veterinary examiners may make expenditures from the veterinary examiners fee fund for fiscal year 2006 for the costs of litigation and fees for

private attorneys: *Provided further*, That all such expenditures for the costs of litigation and fees for private attorneys shall be in addition to any expenditure limitation imposed on the veterinary examiners fee fund for fiscal year 2006.

For the fiscal year ending June 30, 2007..... \$267,673

Provided, That the state board of veterinary examiners may make expenditures from the veterinary examiners fee fund for fiscal year 2007 for the costs of litigation and fees for private attorneys: *Provided further*, That all such expenditures for the costs of litigation and fees for private attorneys shall be in addition to any expenditure limitation imposed on the veterinary examiners fee fund for fiscal year 2007.

Sec. 78.

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, 2006..... \$480,073

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

For the fiscal year ending June 30, 2007..... \$494,180

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007.

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

Governmental ethics commission fee fund

For the fiscal year ending June 30, 2006..... \$136,534

For the fiscal year ending June 30, 2007..... \$140,211

Sec. 79. *Position limitations*. The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years specified made in this or other appropriation act of the 2005 or 2006 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council:

Abstracters' Board of Examiners

For the fiscal year ending June 30, 2006..... 0

For the fiscal year ending June 30, 2007..... 0

Board of Accountancy

For the fiscal year ending June 30, 2006..... 3.0

For the fiscal year ending June 30, 2007..... 3.0

State Bank Commissioner

For the fiscal year ending June 30, 2006..... 90.0

For the fiscal year ending June 30, 2007..... 90.0

Kansas Board of Barbering

For the fiscal year ending June 30, 2006..... 1.5

For the fiscal year ending June 30, 2007..... 1.5

Behavioral Sciences Regulatory Board

For the fiscal year ending June 30, 2006..... 8.0

For the fiscal year ending June 30, 2007..... 8.0

State Board of Healing Arts

For the fiscal year ending June 30, 2006..... 32.0

For the fiscal year ending June 30, 2007..... 32.0

Kansas State Board of Cosmetology

For the fiscal year ending June 30, 2006..... 12.0

For the fiscal year ending June 30, 2007..... 12.0

State Department of Credit Unions

For the fiscal year ending June 30, 2006..... 13.0

For the fiscal year ending June 30, 2007..... 13.0

Kansas Dental Board	
For the fiscal year ending June 30, 2006.....	3.0
For the fiscal year ending June 30, 2007.....	3.0
State Board of Mortuary Arts	
For the fiscal year ending June 30, 2006.....	3.0
For the fiscal year ending June 30, 2007.....	3.0
Kansas Board of Examiners in Fitting and Dispensing of Hearing Aids	
For the fiscal year ending June 30, 2006.....	0.4
For the fiscal year ending June 30, 2007.....	0.4
Board of Nursing	
For the fiscal year ending June 30, 2006.....	22.0
For the fiscal year ending June 30, 2007.....	22.0
Board of Examiners in Optometry	
For the fiscal year ending June 30, 2006.....	0.8
For the fiscal year ending June 30, 2007.....	0.8
State Board of Pharmacy	
For the fiscal year ending June 30, 2006.....	7.0
For the fiscal year ending June 30, 2007.....	7.0
Real Estate Appraisal Board	
For the fiscal year ending June 30, 2006.....	2.0
For the fiscal year ending June 30, 2007.....	2.0
Kansas Real Estate Commission	
For the fiscal year ending June 30, 2006.....	14.0
For the fiscal year ending June 30, 2007.....	14.0
Office of the Securities Commissioner of Kansas	
For the fiscal year ending June 30, 2006.....	30.0
For the fiscal year ending June 30, 2007.....	30.0
State Board of Technical Professions	
For the fiscal year ending June 30, 2006.....	6.0
For the fiscal year ending June 30, 2007.....	6.0
State Board of Veterinary Examiners	
For the fiscal year ending June 30, 2006.....	3.0
For the fiscal year ending June 30, 2007.....	3.0
Governmental Ethics Commission	
For the fiscal year ending June 30, 2006.....	9.0
For the fiscal year ending June 30, 2007.....	9.0

Sec. 80. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made for fiscal year 2006 or fiscal year 2007, as the case may be, from any account of the state general fund reappropriated by this act for such fiscal year for any state agency named in section 79 of this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2004 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That the total of all such expenditures from such account of the state general fund for such fiscal year shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of the June 30 immediately preceding such fiscal year, in such account of the state general fund that is reappropriated for such fiscal year and that is in excess of the amount authorized to be expended for such fiscal year from such reappropriated balance, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during such fiscal year that is paid under this subsection plus any amount paid for such awards under subsection (b) shall not exceed \$3,500: *And provided further*, That the total amount of any salary bonus payments to any individual employee during such fiscal year pursuant to subsection (g)(1)(A) of K.S.A. 2004 Supp. 75-37,105 and amendments thereto shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to that portion of

any such account from which expenditures may be made for state operations: *And provided further*, That all such expenditures from the reappropriated balance in any such account for such fiscal year shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for such fiscal year.

(b) In addition to other expenditures authorized by law, expenditures may be made for fiscal year 2006 or fiscal year 2007, as the case may be, from any special revenue fund appropriated by this act for such fiscal year for a state agency named in section 79 of this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2004 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for such fiscal year shall be in addition to any expenditure limitation imposed on such fund or any account thereof for such fiscal year: *Provided, however*, That the total amount of such expenditures from such fund for such fiscal year shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for the fiscal year preceding such fiscal year for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further*, That the 50% limitation shall not apply to purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto: *And provided further*, That the total cost of all such non-monetary awards to any individual employee during such fiscal year that is paid under this subsection plus any amount paid for such awards under subsection (a) shall not exceed \$3,500: *And provided further*, That the total amount of any salary bonus payments to any individual employee during such fiscal year pursuant to subsection (g)(1)(A) of K.S.A. 2004 Supp. 75-37,105 and amendments thereto shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) (1) Any unencumbered balance in excess of \$100 as of June 30, 2005, in any account of the state general fund of any state agency named in section 79 of this act, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2005 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2006, and any unencumbered balance in excess of \$100 as of June 30, 2006, in any account of the state general fund of any state agency named in section 79 of this act, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2005 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2006, and may be expended for the purposes authorized in subsection (a).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2005, in any Kansas savings incentive account or KSIP account of any special revenue fund of any state agency named in section 79 of this act, which was appropriated by section 23 of chapter 138 of the 2003 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2005 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2006, and any unencumbered balance in excess of \$100 as of June 30, 2006, in any such account of any such special revenue fund is hereby appropriated for the fiscal year ending June 30, 2007, and may be expended for fiscal year 2006 or fiscal year 2007, as the case may be, for the purposes authorized in subsection (a). All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for such fiscal year.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2006 or fiscal year 2007 shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and

shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

Sec. 81.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Legislative coordinating council — operations \$534,904

Provided, That any unencumbered balance in the legislative coordinating council — operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Legislative research department — operations \$2,973,041

Provided, That any unencumbered balance in the legislative research department — operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Office of revisor of statutes — operations \$2,568,126

Provided, That any unencumbered balance in the office of revisor of statutes — operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund..... No limit

Sec. 82.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operations (including official hospitality)..... \$14,773,346

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006:

Provided further, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212 and amendments thereto for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a and amendments thereto for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further*, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of any joint committee of the legislature during fiscal year 2006 unless such meeting is approved by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of the compensation commission established by K.S.A. 46-3101 and amendments thereto during fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Legislative special revenue fund No limit
Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212 and amendments thereto for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a and amendments thereto for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a and amendments thereto: *And provided further*, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further*, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee of the legislature during fiscal year 2006 unless such meeting is approved by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this fund for any meeting of the compensation commission established by K.S.A. 46-3101 and amendments thereto during fiscal year 2006.
- Capitol restoration — gifts and donations fund No limit
 Sec. 83.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operations (including legislative post audit committee) \$1,865,839

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund No limit

Provided, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: *Provided further*, That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a and amendments thereto: *And provided*

further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the audit services fund.

Conversion of materials and equipment fund	No limit
State agency audits fund	No limit

Sec. 84.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Governor's department	\$2,241,391
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Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2006, by subsection (a) from the state general fund in the governor's department account.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Special programs fund	No limit
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Provided, That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.

Intragovernmental service fund	No limit
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Provided, That expenditures may be made from the intragovernmental service fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the intergovernmental service fund.

Conversion of materials and equipment fund	No limit
Federal grants fund	No limit
Hispanic and Latino American affairs commission — donations fund....	No limit
Advisory commission on African-American affairs — donations fund....	No limit
Wireless enhanced 911 grant fund	No limit

Provided, That expenditures may be made from the wireless enhanced 911 grant fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor's department under the open records act

for providing access to or furnishing copies of public records, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto: *And provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wireless enhanced 911 grant fund.

Sec. 85.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operations..... \$169,282

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

(b) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor on official state business and for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2006, in the operations account.

(c) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2006, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 86.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures..... \$4,321,265

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,000: *Provided further*, That the attorney general may make expenditures from this account for the rent of office space in the memorial building.

Litigation costs..... \$42,025

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

Operating expenditures relating to interstate water rights regarding the Republican river and its tributaries..... \$100,000

Provided, That any unencumbered balance in the operating expenditures relating to interstate water rights regarding the Republican river and its tributaries account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Additional operating expenditures for investigation and litigation regarding interstate water rights..... \$1,090,000

Provided, That any unencumbered balance in the additional operating expenditures for investigation and litigation regarding interstate water rights account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Court cost fund	No limit
Bond transcript review fee fund.....	No limit
Conversion of materials and equipment fund	No limit
Attorney general's antitrust special revenue fund	No limit
Private gifts fund.....	No limit
Medicaid fraud reimbursement fund	No limit
Attorney general's antitrust suspense fund	No limit
Attorney general's consumer protection clearing fund.....	No limit

Attorney general's committee on crime prevention fee fund..... No limit
Provided, That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: *Provided further*, That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: *And provided further*, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: *And provided further*, That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.

Tort claims fund No limit
Provided, That, of the moneys transferred during fiscal year 2006 from the state general fund to the tort claims fund pursuant to K.S.A. 75-6117 and amendments thereto, the aggregate amount transferred during fiscal year 2006 for costs of defending the state or an employee of the state in any actions or proceedings on claims against the state or an employee of the state under the tort claims act or under the civil rights laws of the United States or of the state of Kansas, shall not exceed \$1,295,804, except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided, however*, That such approval also may be given while the legislature is in session: *Provided further*, That expenditures may be made from the tort claims fund for defense of state officials in connection with litigation brought pursuant to 2002 House Resolution No. 6003: *And provided further*, That no such expenditures shall be made for defense of members of the Kansas legislature in connection with litigation brought pursuant to 2002 House Resolution No. 6003.

Crime victims compensation fund No limit
Provided, That expenditures from the crime victims compensation fund for state operations shall not exceed \$306,662: *Provided further*, That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.

Crime victims assistance fund..... No limit
 Protection from abuse fund No limit
 Victims of crime assistance act — federal fund No limit
 Crime victims grants and gifts fund..... No limit
Provided, That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.

Attorney general's medicaid fraud control fund..... No limit
 Other federal grants and reimbursement fund No limit
 Debt collection administration cost recovery fund..... No limit
Provided, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719 and amendments thereto.

Medicaid fraud prosecution revolving fund..... No limit
Provided, That all moneys recovered by the medicaid fraud and abuse division of the attorney general's office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund.

Interstate water litigation fund..... No limit
Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802 and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme

Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund.....	No limit
Children's advocacy center fund	No limit

(c) During the fiscal year ending June 30, 2006, 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. 87.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:
Any unencumbered balance in excess of \$100 as of June 30, 2005, in the HAVA match account is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit fee fund	No limit
Conversion of materials and equipment fund	No limit
Information and services fee fund	No limit
<i>Provided</i> , That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,500.	
State register fee fund	No limit
Uniform commercial code fee fund.....	No limit
State flag and banner fund	No limit
Secretary of state fee refund fund	No limit
Electronic voting machine examination fund.....	No limit
Credit card clearing fund.....	No limit
Suspense fund.....	No limit
Prepaid services fund.....	No limit
Athlete agent registration fee fund.....	No limit
Franchise fee recovery fund.....	No limit
Democracy fund	No limit

Provided, That all expenditures from the democracy fund shall be to provide matching funds to implement title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Technology communication fee fund	No limit
HAVA federal fund	No limit

(c) During the fiscal year ending June 30, 2006, notwithstanding the provisions of this or any other appropriation act of the 2005 session of the legislature, no expenditures shall be made by the secretary of state for payment of any moneys appropriated in the HAVA federal fund to any county that has not remitted the fee to be paid by such county to provide part of the matching moneys required for the implementation of title II of the federal help America vote act of 2002, public law 107—252, pursuant to section 18(c) of chapter 184 of the 2004 Session Laws of Kansas.

(d) In addition to the other purposes for which expenditures may be made by the secretary of state from moneys appropriated in the HAVA match account of the state general fund for fiscal year 2006 as authorized by this or any other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the secretary of state from moneys appropriated in the HAVA match account of the state general fund for fiscal year 2006 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. 88.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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	No limit
Bond services fee fund	No limit
City bond finance fund	No limit
Local ad valorem tax reduction fund.....	No limit
County and city revenue sharing fund.....	No limit
Suspense fund.....	No limit
County and city retailers' sales tax fund	No limit
County and city compensating use tax fund.....	No limit
Local alcoholic liquor fund.....	No limit
Local alcoholic liquor equalization fund.....	No limit
Unclaimed property fee fund.....	No limit
Unclaimed property claims fund.....	No limit
Unclaimed property expense fund.....	No limit
<i>Provided</i> , That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.	
County and city transient guest tax fund.....	No limit
Racing admissions tax fund.....	No limit
Rental motor vehicle excise tax fund.....	No limit
Transportation development district sales tax fund	No limit
Redevelopment bond fund	No limit
Services reimbursement fund	No limit

Provided, That the state treasurer is hereby authorized to charge cash management fees, banking services fees and fees for processing warrants, vouchers and direct deposits for the services that the state treasurer's office provides to other state agencies: *Provided, however*, That payroll warrants shall not be subject to any such fee, except for the charges to the state's operating account for processing such warrants: *Provided further*, That such fees shall be based upon the number and type of transactions processed for each agency: *And provided further*, That the fees shall be based upon a combination of the banking fees incurred by the state treasurer and the operating costs for providing each service: *And provided further*, That the state treasurer shall revise the schedule of fees annually after consulting with various state agencies: *And provided further*, That all such fees collected shall be deposited in the state treasury to the credit of the services reimbursement fund of the state treasurer: *And provided further*, That moneys in the services reimbursement fund may be expended for the general operating expenditures of the state treasurer's office in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or by a person designated by the state treasurer: *And provided further*, That the director of accounts and reports shall transfer to the services reimbursement fund one or more amounts certified by the state treasurer, for expenses incurred for unemployment insurance benefit warrants issued and processed and electronic transactions processed for the department of labor 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.

Municipal investment pool fund	No limit
Pooled money investment portfolio fee fund.....	No limit

Provided, That on or before the fifth day of each month of the fiscal year ending June 30, 2006, 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, 2006, 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	No limit
Kansas postsecondary education savings program expense fund	No limit
Conversion of materials and equipment fund	No limit
Tax increment financing revenue replacement fund	No limit

Sec. 89.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Insurance department service regulation fund	No limit
<i>Provided</i> , That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,000: <i>Provided further</i> , That transfers may be made from this fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance.	
Insurance company examination fund	No limit
<i>Provided</i> , That transfers may be made from the insurance company examination fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance.	
Insurance company annual statement examination fund	No limit
Insurance company examiner training fund	No limit
Conversion of materials and equipment fund	No limit
Commissioner's travel reimbursement fund	No limit
<i>Provided</i> , That expenditures may be made from the commissioner's travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to meetings of public or private associations: <i>Provided further</i> , That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund.	
Workers compensation fund	No limit
<i>Provided</i> , That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made: <i>Provided further</i> , That any transfers from the workers compensation fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance shall be in addition to any expenditure limitation imposed on the workers compensation fund.	
State firefighters relief fund	No limit
<i>Provided</i> , That transfers may be made from the state firefighters relief fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance.	
Insurance company tax and fee refund fund	No limit
Group-funded workers' compensation pools fee fund	No limit
<i>Provided</i> , That transfers may be made from the group-funded workers' compensation pools fee fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance.	
Municipal group-funded pools fee fund	No limit
<i>Provided</i> , That transfers may be made from the municipal group-funded pools fee fund to the insurance building principal and interest payment fund or the insurance department rehabilitation and repair fund of the department of insurance.	
Uninsurable health insurance plan fund	No limit
Insurance education and training fund	No limit
<i>Provided</i> , That expenditures may be made from the insurance education and training fund	

for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund.

Other federal grants fund..... 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 2006 other than moneys appropriated by this or other appropriation act of the 2005 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 fiscal year 2006, other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature.

Monumental life settlement fund..... \$12,396

Provided, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further*, That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

Fines and penalties fund..... \$10,000

Provided, That, notwithstanding the provisions of K.S.A. 40-2606 and amendments thereto or any other statute, all moneys received during fiscal year 2006 for penalties imposed pursuant to K.S.A. 40-2606 and amendments thereto shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto: *Provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the fines and penalties fund.

Settlements fund..... No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2006 as authorized by K.S.A. 40-223 and amendments thereto, notwithstanding the provisions of K.S.A. 40-223 or 75-3721 and amendments thereto or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2006 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

(c) On July 1, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 40-112 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$1,000,000 from the insurance department service regulation fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the insurance department service regulation fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the insurance department service regulation fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the insurance department by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 90.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care stabilization fund No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2006, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures \$1,118,907

Provided, That expenditures from the operating expenditures account for official hospitality shall not exceed \$500.

Fees — legal and professional services No limit

Provided, That expenditures from the fees — legal and professional services account for attorney fees and other professional service fees may be made regardless of when services were rendered or when the judgment or settlement was made.

Claims and benefits No limit

Provided, That expenditures from the claims and benefits account for claim and benefit payments may be made regardless of when services were rendered or when the judgment or settlement was made.

Sec. 91.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund No limit

Grants and gifts fund No limit

Provided, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund No limit

(b) On June 30, 2006, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund as of June 30, 2006, in excess of \$175,000 from the publications fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the publications fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That when the judicial council must expend moneys for unforeseen and unbudgeted items, that such moneys shall be paid first from the judicial council fund and then from the publication fees fund.

Sec. 92.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$8,422,429

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That any expenditures for indigents' defense services are authorized to be made from the operating expenditures account regardless of when services were rendered: *Provided further*, That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further*, That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents' defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111 and

amendments thereto and shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto.

Assigned counsel expenditures	\$6,845,663
Capital defense operations.....	\$1,837,112

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

Legal services for prisoners.....	\$359,600
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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, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Indigents' defense services fund	No limit
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Provided, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop fee fund.....	No limit
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Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of indigents' defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

(c) During the fiscal year ending June 30, 2006, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2006, from the state general fund the state board of indigents' defense services to any other item of appropriation for fiscal year 2006 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

Sec. 93.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Judiciary operations.....	\$94,010,299
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Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*,

That contracts for computer input of judicial opinions under this appropriation shall be executed in the name of the supreme court by the chief justice and may be interrelated with contracts for the comprehensive legislative information system: *And provided further*, That all such contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures may be made from the judicial operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judicial operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judicial operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judicial operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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:

Emergency surcharge fee fund.....	No limit
Library report fee fund.....	No limit

Judiciary technology fund	No limit
Judicial branch gifts fund	No limit
Dispute resolution fund	No limit
Judicial branch education fund.....	No limit
<i>Provided</i> , That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114 and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: <i>Provided further</i> , That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: <i>And provided further</i> , That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.	
Conversion of materials and equipment fund	No limit
Child welfare federal grant fund	No limit
Child support enforcement contractual agreement fund	No limit
Bar admission fee fund	No limit
Permanent families account — family and children investment fund.....	No limit
Duplicate law book fund	No limit
Court reporter fund.....	No limit
Access to justice fund.....	No limit
Judicial technology and building and grounds fund.....	No limit
Judicial branch nonjudicial salary initiative fund	No limit

Sec. 94.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

13th retirement check — debt service.....	\$3,211,692
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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, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees retirement fund.....	No limit
<i>Provided</i> , That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.	
Group insurance reserve fund.....	No limit
Optional death benefit plan reserve fund.....	No limit
Kansas endowment for youth fund.....	No limit
Senior services trust fund.....	No limit
Family and children endowment account — family and children investment fund	No limit
Non-retirement administration fund.....	No limit

Provided, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund, the senior services trust fund, the family and children endowment account — family and children investment fund, and the unclaimed property account of the state general fund for the purpose of reimbursing the costs of non-retirement related administrative activities and investment- related expenses for managing such funds in accordance with K.S.A. 74-4909b and amendments thereto.

KDFA series 2003H bond debt service fund	No limit
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A.	

20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939 and amendments thereto, and K.S.A. 74-4967 and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be deposited in the K DFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2006: *And provided further*, That the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2006.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2006, for the following specified purposes: Agency operations..... \$6,927,750

Provided, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses No limit
KPERS technology project No limit

(d) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2006, for the following specified purposes:

Agency operations..... \$145,318
Investment-related expenses No limit

(e) On July 1, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 38-2102 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$3,287,040 from the Kansas endowment for youth fund to the children's initiatives fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas endowment for youth fund to the children's initiatives fund as prescribed by law.

Sec. 95.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$1,395,123

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, that expenditures from this account for official hospitality shall not exceed \$150: *Provided further*, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal fund No limit
Conversion of materials and equipment fund No limit
Annual banquet fund No limit

Provided, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such banquet: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: *And provided further*, That all fees received for such banquet shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the annual banquet fund.

Education and training fund..... No limit

Provided, That expenditures may be made from the education and training fund for operating expenditures for the commission's education and training programs for the general public, including official hospitality: *Provided further*, That the executive director is hereby

authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto shall be credited to the education and training fund.

Sec. 96.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Public service regulation fund.....	No limit
Motor carrier license fees fund	No limit
Conservation fee fund	No limit

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That expenditures may be made from this fund for debt collection and set-off administration: *And provided further*, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund of the department of administration for services rendered in collection efforts: *And provided further*, That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*, That the state corporation commission shall include as part of the fiscal year 2007 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717 and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2007, 2008 and 2009.

Natural gas underground storage fee fund	No limit
Gas pipeline inspection fee fund.....	No limit
Abandoned oil and gas well fund.....	No limit
Well plugging assurance fund	No limit
Facility conservation improvement program fund.....	No limit
Gas pipeline safety program — federal fund.....	No limit
Energy related grants — federal fund	No limit
Energy grants management fund.....	No limit
Energy conservation plan — federal fund.....	No limit
Underground injection control class II — federal fund.....	No limit
Pipeline damage prevention grant program — federal fund.....	No limit
Other federal grants fund.....	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 2006 other than moneys appropriated by this or other appropriation act of the 2005 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 fiscal year 2006, other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature.

Inservice education workshop fee fund.....	No limit
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Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: *Provided further*, That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part

of the operating expenditures incurred for conducting such inservice workshops and conferences: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the in service education workshop fee fund.

Base state registration clearing fund	No limit
Credit card clearing fund	No limit
Suspense fund	No limit

(b) Expenditures for the fiscal year ending June 30, 2006, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund shall not exceed, in the aggregate, \$15,110,676: *Provided*, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2006 from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund for official hospitality shall not exceed, in the aggregate, \$600: *Provided further*, That the state corporation commission is authorized to make expenditures from the public service regulation fund and the conservation fee fund for the operational costs of the Kansas energy council: *Provided, however*, That the operational costs of the Kansas energy council shall not include compensation for members of the Kansas energy council: *And provided further*, That expenditures from the public service regulation fund and the conservation fee fund for the operational costs of the Kansas energy council for fiscal year 2006 shall not exceed, in the aggregate, \$100,000.

(c) Expenditures for the fiscal year ending June 30, 2006, by the state corporation commission from the conservation fee fund or the abandoned oil and gas well fund may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells shall be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

Sec. 97.

CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund	\$716,093
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Provided, That expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund pursuant to contracts for professional services, which are hereby authorized to be entered into by the board: *Provided further*, That such professional services shall include but are not limited to the services of engineers, accountants, attorneys and economists, to assist in carrying out the duties of the board, which assistance may include preparation and presentation of expert testimony, when the expenses of such professional services are required to be assessed under K.S.A. 66-1502 and amendments thereto against the public utilities involved: *And provided further*, That such contracts shall be negotiated by a negotiating committee composed of the following persons: The consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee, the director of the budget or that director's designee, the director of accounts and reports or that director's designee, and the chairperson of the citizens' utility ratepayer board or the chairperson's designee: *And provided further*, That the consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee shall convene the negotiating committee for each such contract and the negotiating committee shall consider all proposals by persons applying to perform such contract and shall award the contract: *And provided further*, That such contracts shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto or to the provisions of the acts contained in article 58 of chapter 75 of the Kansas Statutes Annotated: *And provided further*, That, of the amount of additional expenditures authorized by the expenditure limitation prescribed by this subsection, no portion of such unspent expenditure authority for fiscal year 2006 shall be the basis for any amount being transferred into a Kansas savings incentive program account or KSIP account under the Kansas savings

incentive program of any other Kansas savings incentive program section in this or other appropriation act of the 2005 regular session of the legislature: *Provided, however*, That, if the total amount of additional expenditures authorized by the expenditure limitation prescribed by this section are not expended or encumbered for fiscal year 2006, then the amount equal to the amount of such increased expenditure authority for fiscal year 2006 remaining may be expended from the utility regulatory fee fund for fiscal year 2007 pursuant to contracts for professional services and any such expenditure for fiscal year 2006 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for the fiscal year ending June 30, 2006.

(b) On July 1, 2005, October 1, 2005, January 1, 2006, and April 1, 2006, or as soon after each such date as moneys are available, and upon receipt of certification by the state corporation commission of the amount to be transferred, the director of accounts and reports shall transfer from the public service regulation fund of the state corporation commission to the utility regulatory fee fund of the citizens' utility ratepayer board all moneys assessed by the state corporation commission for the citizens' utility ratepayer board under K.S.A. 66-1502 or 66-1503 and amendments thereto and deposited in the state treasury to the credit of the public service regulation fund.

Sec. 98.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

General administration	\$980,556
<i>Provided</i> , That any unencumbered balance in the general administration account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: <i>Provided further</i> , That in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the general administration account for three employees in the unclassified service under the Kansas civil service act: <i>And provided further</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
Department of administration systems.....	\$2,684,329
<i>Provided</i> , That any unencumbered balance in the department of administration systems account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council: <i>Provided further</i> , That expenditures from the department of administration systems account for official hospitality shall not exceed \$1,000.	
Personnel services.....	\$1,721,400
<i>Provided</i> , That any unencumbered balance in the personnel services account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council.	
Purchasing.....	\$464,064
<i>Provided</i> , That any unencumbered balance in the purchasing account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council.	
Budget analysis.....	\$1,312,731
<i>Provided</i> , That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided further</i> , That, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for two employees in the unclassified service under the Kansas civil service act: <i>And provided, further</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
Public broadcasting council grants	\$2,063,016
<i>Provided</i> , That any unencumbered balance in the public broadcasting council grants account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided</i>	

further, That all expenditures from the public broadcasting council grants account for capital equipment shall be made to provide matching funds for federal capital equipment grants awarded to eligible public broadcasting stations: And provided further, That expenditures from this account may be made to provide matching funds for capital equipment projects funded from any nonstate source in the event federal capital equipment grants are not awarded: And provided further, That in the event the federal facility programs cease to exist or fail to conduct grant solicitations, expenditures may be made from this account to provide matching funds for capital equipment projects funded from any nonstate source without first applying for federal capital equipment grants.

KPERS bonds debt service	\$10,000,000
Public TV digital conversion debt service.....	\$470,570
Policy analysis initiatives	\$194,926

Provided, That any unencumbered balance in the policy analysis initiatives account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: Provided further, That expenditures from this account for official hospitality shall not exceed \$5,000.

Long-term care ombudsman	\$125,885
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Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: Provided, however, That expenditures for such reappropriated balance shall be made only upon approval of the state finance council: Provided further, That expenditures from this account for official hospitality shall not exceed \$1,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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:

Federal cash management fund	No limit
State leave payment reserve fund	No limit
Building and ground fund	No limit

Provided, That expenditures may be made from the building and ground fund for operating and other expenses for the Hiram Price Dillon House.

General fees fund	No limit
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Provided, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: Provided further, That the director of personnel services is hereby authorized to fix, charge and collect fees: And provided further, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: And provided further, That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund of the department of administration.

Human resource information systems cost recovery fund	No limit
Budget fees fund	No limit

Provided, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: Provided further, That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: And provided further, That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: And provided further, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the budget fees fund.

Purchasing fees fund	No limit
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Provided, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: Provided further, That the director of purchases is hereby authorized to fix, charge and

collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*, That all moneys received for such fees and all moneys received pursuant to the state travel services contract shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the purchasing fees fund.

Architectural services fee fund No limit

Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*, That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*, That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the architectural services fee fund.

Budget equipment conversion fund No limit

Conversion of materials and equipment fund No limit

Architectural services equipment conversion fund No limit

Property contingency fund No limit

Flood control emergency — federal fund No limit

CJIS Byrne Grant — federal fund No limit

Digital orthophoto project — federal fund No limit

FICA reimbursements medical residents fund No limit

Information technology fund No limit

Information technology reserve fund No limit

Computer services recovery fund No limit

Provided, That expenditures may be made from the computer services recovery fund to provide central computer system development services, which shall be in addition to data processing services provided under K.S.A. 75-4704 and amendments thereto to other state agencies: *Provided further*, That the secretary of administration is hereby authorized, in accordance with the procedures and guidelines prescribed by K.S.A. 75-4703 and amendments thereto, to fix, charge and collect fees for such central computer system development services to other state agencies: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the computer services recovery fund: *And provided further*, That all expenditures for the personnel/payroll project shall be made from the personnel/payroll project program account of this fund: *And provided further*, That amounts may be expended into this account from any state general fund account or any special revenue fund of the department of administration or any other state agency.

State buildings operating fund No limit

Provided, That expenditures may be made from the state buildings operating fund for operating and other expenses for the Hiram Price Dillon House: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for use of the rooms and other facilities of the Hiram Price Dillon House in accordance with policies adopted by the legislative coordinating council under K.S.A. 75-3682 and amendments thereto for approving the use of such property: *And provided further*, That fees for approved use of such property shall be reasonable and directly related to the costs of such use and shall be fixed in order to recover all or part of the operating expenses incurred for such use: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a real estate prop-

erty leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3739 and amendments thereto to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *And provided further*, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3739 and amendments thereto shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*, That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by subsection (a) of K.S.A. 2004 Supp. 75-37,123 and amendments thereto shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee County including both state-owned and privately-owned buildings: *And provided further*, That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration.

Accounting services recovery fund No limit
Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: *And provided further*, That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the accounting services recovery fund.

Architectural services recovery fund No limit
Provided, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: *Provided further*, That, notwithstanding the provisions of subsection (b) of K.S.A. 75-4403 and amendments thereto, the director of facilities management may exchange an employee with the attorney general's office to assist in the enforcement of K.S.A. 58-1301 *et seq.*, and amendments thereto: *And provided further*, That the director of facilities management is hereby authorized to charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: *And provided further*, That the director of facilities management is hereby authorized to charge and collect (1) a fee equal to 1% of the estimated cost of each capital improvement project for a state agency which is not financed, in whole or in part, by gifts, bequests, or donations made by one or more private individuals or other private entities and for which the division provides architectural, engineering or management services or, in the case of any capital improvement project for a state agency which is partially financed by gifts, bequests or donations made by one or more private individuals or other private entities, a fee equal to 1% of the proportional amount of the estimated cost of such capital improvement project which is not financed by gifts, bequests or donations made by one or more private individuals or other private entities and for which the division provides architectural, engineering or management services, and (2) an additional fee equal to 8% of the construction cost of each capital improvement project for which the division provides in-house architectural and engineering design services: *And provided further*, That such services shall be subject to the limitations of K.S.A. 75-1253 and amendments thereto: *And provided further*, That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the architectural services recovery fund.

Motor pool service fund	No limit
Kansas public employees retirement clearing fund	No limit
Intragovernmental printing service fund	No limit
Intragovernmental printing service depreciation reserve fund	No limit
Municipal accounting and training services recovery fund	No limit
<i>Provided</i> , That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: <i>Provided further</i> , That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: <i>And provided further</i> , That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the municipal accounting and training services recovery fund.	
Canceled warrants payment fund	No limit
State emergency fund	No limit
Bid and contract deposit fund	No limit
State workers compensation self-insurance fund	No limit
Health and hospitalization insurance clearing fund	No limit
Federal withholding tax clearing fund	No limit
State gaming revenues fund	No limit
Health insurance premium reserve fund	No limit
Legal office collection clearing fund	No limit
Excise tax refund clearing fund	No limit
State withholding tax clearing fund	No limit
Unemployment compensation tax clearing fund	No limit
Construction defects recovery fund	No limit
Preventive health care program fund	No limit
Facilities conservation improvement fund	No limit
State revolving fund services fee fund	No limit
Cafeteria benefits fund	No limit
<i>Provided</i> , That expenditures from the cafeteria benefits fund for salaries and wages and other operating expenditures shall not exceed \$2,081,141.	
Dependent care assistance program fund	No limit
Conversion of materials and equipment — recycling program fund	No limit
Curtis office building maintenance reserve fund	No limit
Employees faithful performance bond clearing fund	No limit
Deferred compensation clearing fund	No limit
Deferred compensation fees fund	No limit
Equipment lease purchase program administration clearing fund	No limit
Suspense fund	No limit
Series E savings bond clearing fund	No limit
Optional life insurance clearing fund	No limit
Employee organization dues clearing fund	No limit
United Way contributions clearing fund	No limit
Setoff clearing fund	No limit
Parking fees clearing fund	No limit
BRAC donations fund	No limit
Electronic funds transfer suspense fund	No limit
State employee contribution clearing fund for OASDHI	No limit
Intergovernmental cooperation agreement for development of statewide cost allocation plan clearing fund	No limit
Medicare fund clearing account	No limit
Surplus property program fund — on budget	No limit
Surplus property program fund — off budget	No limit

Non-state employer group benefit fund	No limit
Leave payment reserve clearing fund	No limit
Administrative hearings office fund	No limit
Older Americans act long term care ombudsman federal fund	No limit
Office of health planning and finance fund	No limit
<i>Provided</i> , That expenditures from the office of health planning and finance fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$1,000.	
Long term care ombudsman gift and grant fund	No limit
Title XIX — long-term care ombudsman medicaid federal grant fund ...	No limit
Wireless enhanced 911 grant fund	No limit

(c) On or before the 10th of each month during the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer from the state general fund to the deferred compensation fees fund of the department of administration interest earnings based on: (1) The average daily balance of moneys in the deferred compensation fees fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2005, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(e) During the fiscal year ending June 30, 2006, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto.

(f) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or in any capital improvement account of the state general fund for the above agency for fiscal year 2006 by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or any such capital improvement account of the state general fund for fiscal year 2006 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of the legislative research department.

(g) (1) On July 1, 2005, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2006, except that such amount shall be proportionally adjusted during fiscal year 2006 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2006. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2005 and fiscal year 2006 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2006 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2006, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2006.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(h) (1) On July 1, 2005, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2006, except that such amount shall be proportionally adjusted during fiscal year 2006 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2006. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2006 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2006, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2006.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection (h) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (j) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(i) (1) On July 1, 2005, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget which shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2006, except that such amount shall be proportionally adjusted during fiscal year 2006 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2006. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2006 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2006, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2006.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(j) (1) On July 1, 2005, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget which shall be equal to 80% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2006, as certified by the director of the budget. All moneys received and credited to the Kansas endowment

for youth fund during fiscal year 2006 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2006, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2006.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection (j) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (h) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.

(k) During the fiscal year ending June 30, 2006, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2006, from the state general fund for the department of administration to another item of appropriation for fiscal year 2006 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(l) During the fiscal year ending June 30, 2006, upon the release of each encumbrance of moneys in the state budget stabilization fund, the director of accounts and reports shall transfer the amount equal to the unexpended balance of each such released encumbrance from the state budget stabilization fund to the state general fund.

(m) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2006, the following:

SIBF — state building insurance \$61,032

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05 and amendments thereto, expenditures may be made by the above agency from the SIBF — state building insurance account of the state institutions building fund for state building insurance premiums.

(n) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2006, the following:

EBF — state building insurance \$356,227

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

(o) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2006, the following:

CIBF — state building insurance \$56,133

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09 and amendments thereto, expenditures may be made by the above agency from the CIBF — state building insurance account of the correctional institutions building fund for state building insurance premiums.

(p) On July 1, 2005, the director of accounts and reports shall transfer all moneys in the state budget stabilization fund of the department of administration to the state general fund. On the effective date of this act, all liabilities of the state budget stabilization fund of the department of administration are hereby transferred to and imposed on the state general fund and the state budget stabilization fund of the department of administration is hereby abolished.

Sec. 99.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$1,313,345
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund	\$5,000
BOTA filing fee fund	\$264,000

Sec. 100.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$19,980,191
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund	No limit
Division of vehicles operating fund	\$40,404,963

Provided, That all receipts collected under authority of K.S.A. 74-2012 and amendments thereto shall be credited to the division of vehicles operating fund: *Provided further*, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2006: *And provided further*, That, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or of any statute, expenditures may be made from this fund for other operating expenditures of the department of revenue.

Vehicle dealers and manufacturers fee fund	No limit
Kansas qualified agricultural ethyl alcohol producer incentive fund	No limit
Local report fee fund	No limit
Military retirees income tax refund fund	No limit
Conversion of materials and equipment fund	No limit
Forfeited property fee fund	No limit
Setoff services revenue fund	No limit
Publications fee fund	No limit
State bingo regulation fund	No limit
Child support enforcement contractual agreement fund	No limit
County treasurers' vehicle licensing fee fund	No limit
Reappraisal reimbursement fund	No limit

Provided, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the board of tax appeals under K.S.A. 79-1479 and amendments thereto.

Special training fund	No limit
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Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: *Provided further*, That the secretary of revenue is hereby

authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: *And provided further*, That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the special training fund.

Recovery fund for enforcement actions and attorney fees..... No limit
 Federal commercial motor vehicle safety fund..... No limit
 Central stores fund..... No limit

Provided, That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: *Provided further*, That all moneys received for such supplies shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the central stores fund.

Microfilming fund..... No limit

Provided, That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: *Provided further*, That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the microfilming fund.

Miscellaneous trust bonds fund No limit
 Liquor excise tax guarantee bond fund No limit
 Non-resident contractors cash bond fund No limit
 Bond guaranty fund..... No limit
 Interstate motor fuel user cash bond fund No limit
 Motor fuel distributor cash bond fund..... No limit
 Special county mineral production tax fund..... No limit
 County drug tax fund No limit
 Escheat proceeds suspense fund..... No limit
 Privilege tax refund fund No limit
 Suspense fund..... No limit
 Cigarette tax refund fund..... No limit
 Motor-vehicle fuel tax refund fund No limit
 Cereal malt beverage tax refund fund No limit
 Income tax refund fund No limit
 Sales tax refund fund No limit
 Compensating tax refund fund No limit
 Alcoholic liquor tax refund fund No limit
 Cigarette/tobacco products regulation fund No limit
 Motor carrier tax refund fund..... No limit
 Car company tax fund No limit
 Protested motor carrier taxes fund..... No limit
 Tobacco products refund fund No limit
 Transient guest tax refund fund established by K.S.A. 12-1694a..... No limit
 Interstate motor fuel taxes clearing fund No limit
 Bingo refund fund No limit
 Transient guest tax refund fund established by K.S.A. 12-16,100 No limit
 Interstate motor fuel taxes refund fund..... No limit
 Interfund clearing fund..... No limit
 Local alcoholic liquor clearing fund..... No limit
 International registration plan distribution clearing fund..... No limit
 Rental motor vehicle excise tax refund fund..... No limit
 International fuel tax agreement clearing fund..... No limit
 Mineral production tax refund fund No limit
 Special fuels tax refund fund..... No limit

LP-gas motor fuels refund fund.....	No limit
Local alcoholic liquor refund fund.....	No limit
Sales tax clearing fund.....	No limit
Rental motor vehicle excise tax clearing fund.....	No limit
VIPS/CAMA technology hardware fund.....	No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-2021 and amendments thereto or of any other statute, expenditures may be made from VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.

County and city retailers sales tax clearing fund — county and city sales tax.....	No limit
City and county compensating use tax clearing fund.....	No limit
County and city transient guest tax clearing fund.....	No limit
Automated tax systems fund.....	No limit
Dyed diesel fuel fee fund.....	No limit
Electronic databases fee fund.....	No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-2022 and amendments thereto or of any other statute, expenditures may be made from electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.

Photo fee fund..... No limit
Provided, That 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 Chapter 5 and Chapter 63 of the 2003 Session Laws of Kansas.

Estate tax abatement refund fund.....	No limit
Distinctive license plate fund.....	No limit

(c) On July 1, 2005, October 1, 2005, January 1, 2006, and April 1, 2006, the director of accounts and reports shall transfer \$9,317,925.75 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2005, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 *et seq.*, and amendments thereto.

(e) On August 1, 2005, the director of accounts and reports shall transfer \$60,000 from the social welfare fund of the department of social and rehabilitation services to the child support enforcement contractual agreement fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

Sec. 101.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund.....	No limit
Lottery operating fund.....	No limit

Provided, That all expenditures from the lottery operating fund for on-line terminal communication charges, for on-line vendor commission payments, for instant ticket printing charges, or for refunds and transfers shall be in addition to any expenditure limitation

imposed on this fund: *Provided further*, That expenditures from this fund for official hospitality shall not exceed \$5,000: *And provided further*, That any expenditure from the lottery operating fund to reimburse the audit services fund of the division of legislative post audit for audits performed pursuant to K.S.A. 74- 8707 and amendments thereto in amounts certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the lottery operating fund for the fiscal year ending June 30, 2006.

(b) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto and subject to the provisions of this subsection, an amount of not less than \$4,500,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2005, and on or before the 15th of each month thereafter through July 15, 2006: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state gaming revenues fund and shall credit such amount to the state gaming revenues fund for the fiscal year ending June 30, 2006: *Provided, however*, That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2006 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through July 15, 2006, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,500,000: *Provided further*, That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2006 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2006 is equal to or more than \$66,000,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2006 pursuant to this subsection shall be equal to or more than \$66,000,000: *And provided further*, That the transfers prescribed by this subsection shall be made in lieu of transfers under subsection (d) of K.S.A. 74-8711 and amendments thereto for fiscal year 2006.

Sec. 102.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund	\$2,754,564
<i>Provided</i> , That all expenditures from the state racing fund for refunds and transfers shall be in addition to any expenditure limitation imposed on this fund: <i>Provided further</i> , That expenditures from this fund for official hospitality shall not exceed \$2,500: <i>And provided further</i> , That any expenditure from the state racing fund to reimburse the audit services fund of the division of legislative post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the state racing fund for the fiscal year ending June 30, 2006.	
Racing reimbursable expense fund	No limit
Racing applicant deposit fund	No limit
Kansas horse breeding development fund	No limit
Kansas greyhound breeding development fund	No limit
Racing investigative expense fund	No limit
Horse fair racing benefit fund	No limit
Tribal gaming fund	No limit

Provided, That expenditures from the tribal gaming fund for the fiscal year ending June 30, 2006, for official hospitality shall not exceed \$1,500.

(b) On July 1, 2005, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund of the Kansas racing and gaming commission.

(c) On July 1, 2005, the director of accounts and reports shall transfer \$200,000 from the state general fund to the state racing fund.

(d) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2006 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission during fiscal year 2006 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(e) During the fiscal year ending June 30, 2006, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with subsection (b) of K.S.A. 75-5516 and amendments thereto, pursuant to bills which are presented in a timely manner by the Kansas bureau of investigation for services rendered. Any expenditure from the state racing fund during fiscal year 2006 to reimburse the Kansas bureau of investigation for professional services and fees in an amount certified by the director of the Kansas bureau of investigation shall be in addition to any expenditure limitation imposed on the state racing fund for the fiscal year ending June 30, 2006.

(f) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund for fiscal year 2006 for the Kansas racing and gaming commission by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2006 for the state gaming agency regulatory oversight of class III gaming, including but not limited to the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, and investigations of other criminal activities related to tribal gaming, which are hereby authorized.

(g) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the state racing fund for fiscal year 2006 for the Kansas racing and gaming commission by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made from the state racing fund for fiscal year 2006 for paying salaries and wages of agency personnel performing criminal history record checks, background investigations and other investigations specified in statute.

Sec. 103.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Senior community service employment program.....	\$4,444
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2005, in the senior community service employment program account is hereby reappropriated for fiscal year 2006.

Kansas commission on disability concerns.....	\$189,805
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2005, in the Kansas commission on disability concerns account is hereby reappropriated for fiscal year 2006.

Athletic commission operations	\$29,204
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(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2006, the following:

Older Kansans employment program	\$239,430
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Operating grant (including official hospitality)	\$15,421,339
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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, 2005, is hereby reappropriated for fiscal year 2006: *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 certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce: *And provided further*, That during fiscal year 2006, 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 2006
Jobs created by projects utilizing KDOC assistance	6,500
Jobs retained by projects utilizing KDOC assistance	8,500
Payroll generated by projects utilizing KDOC assistance	\$205,000,000
Capital investment in Kansas resulting from projects utilizing KDOC assistance	\$313,000,000
Funds leveraged through match in projects utilizing KDOC assistance	\$16,500,000
Individuals trained through workforce development programs	9,000
Sales generated by projects utilizing KDOC assistance	\$69,500,000
Increase in visitation resulting from KDOC tourism promotion efforts	318,000
Tourism revenue generated as a result of KDOC tourism promotion	\$32,000,000
Kansans served with counseling, technical assistance or business services	4,400
Number of communities receiving community assistance services	300

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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	No limit
Conversion of equipment and materials fund	No limit
Conference registration and disbursement fund	No limit
Kansas venture capital companies certificate fee fund.....	No limit
Trademark fund.....	No limit
Flood mitigation assistance federal fund.....	No limit
Trade show promotion fund.....	No limit
Kansas tourist attraction matching grant development fund.....	No limit
Greyhound tourism fund	No limit
Reimbursement and recovery fund	No limit
Community development block grant — federal fund.....	No limit
Community development block grant — federal fund — revolving loan account	No limit
Other federal grants fund.....	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 2006 other than moneys appropriated by this or other appropriation act of the 2005 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 2006, other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature.

National main street center fund	No limit
IMPACT program services fund	No limit
IMPACT program repayment fund	No limit
Kansas partnership fund	No limit

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

Goodyear bond repayment fund	No limit
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Provided, That, on July 1, 2005, 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 in an amount or amounts 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.

Goodyear revenue anticipation note fund	No limit
General fees fund	No limit

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

Market development fund	No limit
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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 in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the market development fund.

Kansas economic opportunity initiatives fund	No limit
Kansas existing industry expansion fund	No limit

Provided, That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: *Provided further*, That all moneys received by the department of commerce for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Kansas existing industry expansion fund.

Kansas community entrepreneurship fund	No limit
Athletic fee fund	No limit
Wheat harvest program — non-federal fund	No limit
Adult program — WIA — federal fund	No limit
Youth program — WIA — federal fund	No limit
Dislocated worker — WIA — federal fund	No limit
Trade adjustment assistance — federal fund	No limit
Workforce opportunity tax credit — federal fund	No limit
Alien labor certification — federal fund	No limit
Local veterans employment representative — federal fund	No limit
Disabled veterans outreach program — federal fund	No limit
Wagner Peyser — federal fund	No limit
Re-employment services — federal fund	No limit

Senior community service employment program — federal fund.....	No limit
Indirect cost fund	No limit
Kansas commission on disability concerns operating fund.....	No limit
Kansas commission on disability concerns — donations fund	No limit
Kansas commission on disability concerns — private grant fund.....	No limit
Apprenticeship — federal fund	No limit
WIA — setaside — federal fund.....	No limit

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2006, 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 deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to one or more special revenue funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue funds of the department of commerce for fiscal year 2006, in accordance with the provisions of this or other appropriation act of the 2005 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2006 for the department of commerce as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2006 for official hospitality.

(f) On August 15, 2005, and December 15, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,500,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.

(g) On or after July 1, 2005, during the fiscal year ending June 30, 2006, 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.

Sec. 104.

KANSAS, INC.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2006, the following:

Operations (including official hospitality).....	\$371,674
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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, 2006, 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

Sec. 105.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2006, the following:

Operations, assistance and grants (including official hospitality)	\$11,824,260
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Provided, That any unencumbered balance in the operations, assistance and grants (including official hospitality) account as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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	No limit
KTEC special revenue fund	No limit

(c) No moneys appropriated for the fiscal year or years specified, by this or other appropriation act of the 2005 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. 106.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$334,787
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2006, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-5413 *et seq.*, and 75-4321 *et seq.*, and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of labor shall not exceed \$2,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation fee fund	\$11,373,866
Occupational health and safety — federal fund	No limit
Boiler inspection fee fund	No limit
General fees fund	No limit
Special employment security fund	No limit

Provided, That expenditures may be made from the special employment security fund for payment for the department of administration's lease space agreement: *Provided further*, That expenditures from this fund for payment of such lease space agreement shall not exceed \$7,228: *And provided further*, That expenditures may be made from the special employment security fund for payment of communications costs: *And provided further*, That expenditures from this fund for payment of communications costs shall not exceed \$30,000.

Employment security administration fund	No limit
State workplace health and safety fund	No limit
Wage claims assignment fee fund	No limit
Employment security computer systems institute fund	No limit
Workforce investment act state operations fund	No limit
Workforce investment act non-state operations fund	No limit
Department of labor special projects fund	No limit

Federal indirect cost offset fund	\$351,715
Dispute resolution fund	No limit
<i>Provided</i> , That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-5427 and amendments thereto and for fact-finding under K.S.A. 72-5428 and amendments thereto shall be deposited in the state treasury and credited to the dispute resolution fund: <i>Provided further</i> , That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-5427 and amendments thereto and for fact-finding under K.S.A. 72-5428 and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees' organization involved in such mediation and fact-finding procedures.	
Employment security fund	No limit

(c) In addition to the other purposes for which expenditures may be made by the department of labor from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the department of labor for moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to finance grants for an information technology project to upgrade the unemployment insurance benefit system: *Provided*, That such information technology project is hereby approved for the department of labor for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That no such bonds shall be issued until the department of labor has first advised and consulted on any such project with the joint committee on information technology: *And provided further*, That the amount of the bond proceeds that may be utilized for any such information technology project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That the department of labor may make expenditures from the moneys received for the issuance of any such bonds for such information technology project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such information technology project shall not exceed \$21,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such information technology projects during the implementation of such projects and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such information technology projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds, including federal Reed act funds as made available to the state pursuant to section 903(d) of the federal social security act.

(d) In addition to the other purposes for which expenditures may be made by the department of labor from the employment security fund for fiscal year 2006 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2006 from the employment security fund from moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of debt service on a bond anticipation note issued for the rewrite of the unemployment insurance benefit system: *Provided*, That expenditures from the employment security fund during fiscal year 2006 of moneys made available to the state under section 903(d) of the federal social security act, as amended, shall be made only for payment of such debt service: *Provided further*, That expenditures from the employment security fund during fiscal year 2006 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of such debt service shall not exceed \$140,129.

Sec. 107.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures — veterans affairs \$1,771,763

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

Operations — state veterans cemeteries \$438,770

Provided, That any unencumbered balance in the operations — state veterans cemeteries account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$500.

Operating expenditures — Kansas soldiers' home \$2,264,107

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

Operating expenditures — Kansas veterans' home..... \$2,192,270

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

Additional operating expenditures — soldiers and veterans homes \$355,000

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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:

Soldiers' home fee fund \$2,073,151

Soldiers' home benefit fund No limit

Soldiers' home work therapy fund No limit

Veterans' home fee fund \$2,947,854

Persian Gulf War veterans health initiative fund..... No limit

Veterans' home canteen fund No limit

Veterans' home benefit fund No limit

Soldiers' home outpatient clinic fund..... No limit

State veterans cemeteries fee fund..... No limit

State veterans cemeteries donations and contributions fund No limit

Outpatient clinic patient federal reimbursement fund — federal No limit

VA burial reimbursement fund — federal..... No limit

Veterans home federal fund..... No limit

Soldiers home federal fund..... No limit

Commission on veterans affairs federal fund..... No limit

Sec. 108.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality) \$6,676,379

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of health in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

SIDS network grant..... \$25,000

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

Vaccine purchases..... \$869,598

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

Infant and toddler program \$1,871,305
Provided, That any unencumbered balance in the infant and toddler program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Aid to local units \$5,065,614
Provided, That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures from the aid to local units account for child care licensure activities are hereby authorized to be made for contracts which are hereby authorized to be entered into by the secretary of health and environment with local health departments, private individuals and others: *And provided further*, That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246 and amendments thereto.

Aid to local units — primary health projects \$1,520,840
Provided, That any unencumbered balance in the aid to local units — primary health projects account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That no expenditures shall be made from the aid to local units — primary health projects account to disburse any amount to a local government or other health care unit until the amount has been matched on a \$1 for \$1 basis by the local government or other health care unit on a cash or in-kind basis, or some combination thereof, as approved by the secretary of health and environment.

Teen pregnancy prevention activities \$537,660
Provided, That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures from the teen pregnancy prevention activities account shall be made to give highest priority to recipients of temporary assistance to families and other medicaid eligible teens: *And provided further*, That expenditures may be made from this account for grants made pursuant to K.S.A. 65-1,158 and amendments thereto: *And provided further*, That no expenditures shall be made from this account to disburse any amount to the recipient of any grant pursuant to K.S.A. 65-1,158 and amendments thereto until the amount has been matched in the manner prescribed by K.S.A. 65-1,158 and amendments thereto.

Aid to local units — family planning \$98,880
Provided, That any unencumbered balance in the aid to local units — family planning account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That all expenditures from the aid to local units — family planning account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients: *And provided further*, That all expenditures from this account pursuant to such grant agreements shall be made only for the costs of pap smears or initial and follow-up laboratory tests.

Immunization programs \$350,000
 Prescription support for community based primary care clinics \$750,000
Provided, That any unencumbered balance in the prescription support for community based primary care clinics account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007: *Provided further*, That expenditures shall be made from the prescription support for community based primary care clinics account for: (1) Purchase of drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs at not-for-profit or publicly-funded primary care clinics, including federally qualified community health centers and federally qualified community health center look-alikes as defined by 42 U.S.C. 330, that provide comprehensive primary health care services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay. Policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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:

Title XIX fund.....	No limit
Health care database fee fund.....	No limit
Breast and cervical cancer program and detection fund.....	No limit
Health and environment training fee fund — health	No limit

Provided, That expenditures may be made from the health and environment training fee fund — health for acquisition and distribution of division of health program literature and films and for participation in or conducting training seminars for training employees of the division of health of the department of health and environment, for training recipients of state aid from the division of health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of health: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the health and environment training fee fund — health: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of health from moneys appropriated from the health and environment training fee fund — health for fiscal year 2006, expenditures may be made by the department of health and environment from the health and environment training fee fund — health for fiscal year 2006 for agency operations for the division of health.

Health facilities review fund.....	No limit
Food service inspection reimbursement fund.....	No limit
Food inspection fee fund.....	No limit

Provided, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512 and amendments thereto to the contrary, all moneys received from fees charged and collected by the secretary of health and environment under the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the food inspection fee fund: *And provided further*, That, on July 1, 2005, and on the first day of each month thereafter, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.

Insurance statistical plan fund.....	No limit
Health and environment publication fee fund — health.....	No limit

Provided, That expenditures from the health and environment publication fee fund — health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662 and amendments thereto.

District coroners fund	No limit
Sponsored project overhead fund — health.....	No limit
Child care facilities licensure fund.....	No limit
Federal cancer registry fund	No limit
Child care and development block grant — federal fund.....	No limit
Office of rural health — federal fund.....	No limit
Medicare fund — federal.....	No limit

Provided, That transfers of moneys from the medicare fund — federal to the state fire

marshal may be made during fiscal year 2006 pursuant to a contract which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Federal migrant health program fund	No limit
Venereal disease control project fund — federal.....	No limit
Disease prevention and health promotion federal grants fund	No limit

Provided, That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the disease prevention and health promotion federal grants fund: *Provided further*, That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.

Federal women, infants and children health program fund	No limit
Federal occupational health and safety statistics program fund	No limit
Other federal grants fund — health	No limit

Provided, That the department of health and environment is authorized to make expenditures for the division of health and environment from the other federal grants fund — health of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2006 other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the division of health and environment may make expenditures for the division of health and environment of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: *Provided further*, That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.

Immunization grant funds — federal fund	No limit
Title I — P.L. 99-457 child development — federal fund.....	No limit
Preventive health and health services block grant fund.....	No limit
Maternal and child health services block grant fund.....	No limit
National center for health statistics fund — federal	No limit
Federal title X family planning fund.....	No limit
Early childhood developmental services — federal fund	No limit
Commodity supplemental food program fund.....	No limit
Special child clinic program — federal fund	No limit
Make a difference information network — federal fund.....	No limit
Ryan White Title II — federal fund	No limit
Bicycle helmet revolving fund.....	No limit
SSA fee fund	No limit
Lead poisoning prevention — federal fund.....	No limit
Title IV-E — federal fund.....	No limit
Trauma fund	No limit

Provided, That, notwithstanding the provisions of K.S.A. 2004 Supp. 75-5670 and amendments thereto, expenditures may be made by the department of health and environment for fiscal year 2006 for the stroke prevention project from the trauma fund of the department of health and environment.

Federal homeland security fund	No limit
AIDS project — education and risk reduction fund — federal	No limit
Medical student loan repayment fund — federal	No limit
HRSA federal grant fund.....	No limit
Gifts, grants and donations fund — health	No limit
Special bequest fund — health.....	No limit
Civil registration and health statistics fee fund	No limit
Tobacco use prevention and control program fund.....	No limit
Lead-based paint hazard fee fund.....	No limit
Census of traumatic occupational fatalities — federal fund	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2006, the following:

Healthy start	\$250,000
<i>Provided</i> , That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Infants and toddlers program	\$800,000
<i>Provided</i> , That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.	
Smoking prevention.....	\$500,000
<i>Provided</i> , That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.	

(d) On July 1, 2005, and on other occasions during fiscal year 2006 when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment — division of health or of the department of health and environment — division of environment, to the sponsored project overhead fund — health of the department of health and environment — division of health.

(e) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$716,343 from the child care and development fund of the department of social and rehabilitation services to the child care and development block grant — federal fund of the department of health and environment.

(f) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$913,045 from the foster care assistance federal fund of the department of social and rehabilitation services to the title IV-E — federal fund of the department of health and environment.

(g) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment — division of health, which have available moneys, to the sponsored project overhead fund — health of the department of health and environment — division of health for expenditures, as the case may be, for administrative expenses.

(h) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the department of health and environment from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act: *Provided*, That all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service as prescribed by law and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2006 made by this or other appropriation act of the 2005 regular session of the legislature: *Provided, however*, That the authority to establish such additional positions in the

unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.

(i) During the fiscal year ending June 30, 2006, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment — division of health to the sponsored project overhead fund — health of the department of health and environment — division of health pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(j) During the fiscal year ending June 30, 2006, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2006, from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment to another item of appropriation for fiscal year 2006 from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(k) 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 2006, as authorized by this or other appropriation act of the 2005 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 2006 pursuant to K.S.A. 22a-242 and amendments thereto.

(l) On July 1, 2005, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 *et seq.*, and amendments thereto. Sec. 109.

DEPARTMENT OF HEALTH AND ENVIRONMENT —
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality)..... \$9,555,137

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of environment in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Any unencumbered balance in the stream II account of the department of health and environment — division of environment in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Radiation control operations fee fund No limit
Mined-land conservation and reclamation fee fund..... No limit
Solid waste management fund..... No limit

Provided, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2006, for official hospitality: *Provided further*, That such expenditures for official hospitality shall not exceed \$2,500.

Public water supply fee fund	No limit
Voluntary cleanup fund	No limit
Storage tank fee fund	No limit
Air quality fee fund	No limit
Hazardous waste collection fund	No limit
Power generating facility fee fund	No limit
Health and environment training fee fund — environment	No limit
<i>Provided</i> , That expenditures may be made from the health and environment training fee fund — environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: <i>Provided further</i> , That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: <i>And provided further</i> , That such fees may be fixed in order to recover all or part of such costs: <i>And provided further</i> , That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the health and environment training fee fund — environment: <i>And provided further</i> , That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund — environment for fiscal year 2006, expenditures may be made by the department of health and environment from the health and environment training fee fund — environment for fiscal year 2006 for agency operations for the division of environment.	
Driving under the influence equipment fund	No limit
<i>Provided</i> , That expenditures from the driving under the influence equipment fund may be made only for the purpose of purchasing blood or breath alcohol concentration testing equipment, and other related expenditures.	
Nuclear safety emergency preparedness special revenue fund	No limit
<i>Provided</i> , That all moneys received from the adjutant general from the nuclear safety management fee fund of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment — division of environment.	
Waste tire management fund	No limit
Health and environment publication fee fund — environment	No limit
<i>Provided</i> , That expenditures from the health and environment publication fee fund — environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662 and amendments thereto.	
Local air quality control authority regulation services fund.....	No limit
Environmental response fund	No limit
Sponsored project overhead fund — environment.....	No limit
Resource conservation and recovery act — federal fund	No limit
Water supply fund — federal	No limit
EPA voluntary cleanup federal fund.....	No limit
<i>Provided</i> , That all expenditures from the EPA voluntary cleanup federal fund during fiscal year 2006 shall be supplemental to fees collected for direct or indirect costs of administering the voluntary cleanup and property redevelopment act: <i>Provided, however</i> , That such expenditures shall be in accordance with the federal agreement entered into by the secretary of health and environment for the grant moneys.	
Clinical laboratory improvement amendments — federal fund	No limit
EPA — core support fund.....	No limit
Other federal grants fund — environment	No limit
<i>Provided</i> , That the department of health and environment is authorized to make expenditures for the division of environment from the other federal grants fund — environment of	

any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2006 other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature: *Provided, however,* That, upon application to and authorization by the governor, the department of health and environment may make expenditures for the division of environment of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: *Provided further,* That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.

Resource conservation and recovery act — federal fund	No limit
Federal air quality program fund	No limit
Leaking underground storage tank trust — federal fund	No limit
National surface mining control and reclamation act — federal fund	No limit
Abandoned mined-land fund	No limit
State indoor radon grant — federal fund	No limit
EPA non-point source implementation — federal fund	No limit
Pollution prevention program — federal fund	No limit
Gifts, grants and donations fund — environment	No limit
Special bequest fund — environment	No limit
Aboveground petroleum storage tank release trust fund	No limit
Underground petroleum storage tank release trust fund	No limit
Drycleaning facility release trust fund	No limit
Public water supply loan fund	No limit
Public water supply loan operations fund	No limit
Kansas water pollution control revolving fund	No limit

Provided, That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L.92-500) shall be credited to the Kansas water pollution control revolving fund: *Provided further,* That expenditures from this fund shall be made to provide for the payment of such matching grants.

Kansas water pollution control operations fund	No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds	No limit
Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds	No limit
Debt service reserve fund	No limit
EPA water related federal grants fund	No limit

Provided, That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the EPA water related federal grants fund.

Chemical control fund — federal	No limit
Subsurface hydrocarbon storage fund	No limit
Clean air leadership fund — federal	No limit
Natural resources damages trust fund	No limit
Hazardous waste management fund	No limit
Brownfields revolving loan federal fund	No limit
Mined—land reclamation fund	No limit
104 (6) (1) outreach operator training program — federal fund	No limit
Underground storage tank fund — federal	No limit
Federal EPA underground injection control fund	No limit
Laboratory medicaid cost recovery fund — environment	No limit
Diagnostic X-ray program — federal fund	No limit
Environmental control use fund	No limit

Environmental response remedial activity specific site — lead site federal fund.....	No limit
Emergency environmental response — nonspecific sites federal fund....	No limit
Chemical control fund.....	No limit
Medicare fund — federal — environment fund.....	No limit
Federal EPA 106 water pollution control fund.....	No limit
Salt mining well plugging fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2006, for the state water plan project or projects specified as follows:

Contamination remediation.....	\$983,867
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
TMDL initiatives and use attainability analysis.....	\$323,338
Watershed restoration and protection plan (WRAPS).....	\$800,000
Local environmental protection program.....	\$1,502,737
<i>Provided</i> , That any unencumbered balance in the local environmental protection program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Nonpoint source program.....	\$385,975

(d) During the fiscal year ending June 30, 2006, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2006 from the state water plan fund for the department of health and environment to

another item of appropriation for fiscal year 2006 from the state water plan fund for the department of health and environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) During the fiscal year ending June 30, 2006, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund of the department of health and environment which are directed to be made on or before the 10th day of each month by K.S.A. 65-3024 and amendments thereto.

(f) On July 1, 2005, and on other occasions during fiscal year 2006 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment — division of health or of the department of health and environment — division of environment, to the sponsored project overhead fund — environment of the department of health and environment — division of environment.

(g) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment — division of environment, which have available moneys, to the sponsored project overhead fund — environment of the department of health and environment — division of environment or to the sponsored project overhead fund — health of the department of health and environment — division of health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2006, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2006, from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment to another item of appropriation for fiscal year 2006 from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(i) During the fiscal year ending June 30, 2006, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment — division of environment to the sponsored project overhead fund — environment of the department of health and environment — division of environment pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

Sec. 110.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Administration \$268,416

Provided, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$10,164, except upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality by the secretary of aging shall not exceed \$550: *And provided further*, That expenditures from this account may be made for printing the agency's newsletter: *And provided further*, That printing the agency's newsletter shall not be subject to K.S.A. 75-1005 and amendments thereto.

Administration — assessments \$95,899

Provided, That any unencumbered balance in the administration — assessments account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,267, except upon approval of the state finance council.

Administration — assessments — Level II care \$34,088

Provided, That any unencumbered balance in the administration — assessments — Level II care account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Administration — assessments — Level I care..... \$289,783

Provided, That any unencumbered balance in the administration — assessments — Level I care account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Administration — medicaid \$1,644,897

Provided, That any unencumbered balance in the administration — medicaid account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$24,194, except upon approval of the state finance council.

Administration — older Americans act match..... \$181,855

Provided, That any unencumbered balance in the administration — older Americans act match account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Senior care act \$2,000,000

Provided, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2005 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2005: *And provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the regular session of the legislature in 2006 a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2005: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Program grants — nutrition — state match \$2,270,510
Provided, That any unencumbered balance in the program grants — nutrition — state match account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That each grant agreement with an area agency on aging for a grant from the program grants — nutrition — state match account shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2005 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2005: *And provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the regular session of the legislature in 2006 a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2005: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — TCM/FE \$1,951,769
Provided, That any unencumbered balance in the LTC — medicaid assistance — TCM/FE account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$404,467, except upon approval of the state finance council: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC — medicaid assistance — TCM/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — HCBS/FE \$25,439,852
Provided, That any unencumbered balance in the LTC — medicaid assistance — HCBS/FE account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC — medicaid assistance — HCBS/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — NF \$129,514,620
Provided, That any unencumbered balance in the LTC — medicaid assistance — NF account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures may be made from the LTC — medicaid assistance — NF account for the PACE program: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures: *And provided further*, That the secretary of aging shall implement a base-year model of reimbursement for nursing facilities for state fiscal year 2006: *And provided further*, That information from the 2001 cost reports shall be used to calculate the base year: *And provided further*, That increases in reimbursement rates for nursing facilities may be made annually on an incremental basis and the secretary of aging may use a nationally recognized source to determine an appropriate inflationary factor in calculating such increases: *And provided further*, That the base year model shall allow for incentives and pass-through mechanisms to encourage desired behaviors from the nursing facility industry and to recognize potential increases beyond the rate of normal inflation: *And provided further*, That any decision by the secretary of aging to initiate an incentive or pass-through mechanism shall be effectuated and funded within direct appropriations: *And provided further*, That expenditures may be made from this account for expanding the PACE program to the Topeka area during fiscal year 2006.

Nursing facilities regulation \$1,964,491
Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$25,944, except upon approval of the state finance council.

Nursing facilities regulation — title XIX \$1,031,537
Provided, That any unencumbered balance in the nursing facilities regulation — title XIX account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$17,939, except upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Older Americans act — federal fund No limit
 Title XIX fund — federal No limit

Provided, That transfers of moneys from the title XIX fund — federal to the state fire marshal may be made during fiscal year 2006 pursuant to a contract which is hereby authorized to be entered into by the secretary of aging with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Senior care act — social service block grant fund \$4,500,000

Provided, That each grant agreement with an area agency on aging for a grant from the senior care act — social service block grant fund shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2005 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2005: *Provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the regular session of the legislature in 2006 a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2005: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services which are determined to be the most economical services available.

Nutrition fund — federal No limit

Senior citizen nutrition check-off fund No limit

Conferences and workshops attendance and publications fees fund No limit

Provided, That the secretary of aging is hereby authorized to fix, charge and collect conference and workshop attendance fees for conferences and workshops sponsored by the department on aging and fees for copies of publications: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the conferences and workshops attendance and publications fees fund: *And provided further*, That expenditures may be made from this fund to defray all or part of the costs of such conferences and workshops including official hospitality and of such publications.

General fees fund No limit

Provided, That the secretary of aging is hereby authorized to collect (1) fees from the sale of surplus property, (2) fees charged for searching, copying and transmitting copies of public records, (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property, and (4) other miscellaneous fees: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund: *And provided further*, That expenditures shall be made from this fund to meet the obligations of the department on aging, or to benefit and meet the mission of the department on aging.

Gifts and donations fund No limit

Provided, That the secretary of aging is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury and credited to the gifts and donations fund.

Medical resources and collection fund No limit

Provided, That all moneys received or collected by the secretary of aging due to medicaid overpayments shall be deposited in the state treasury and credited to the medical resources

and collection fund and expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *Provided further*, That all moneys received or collected by the secretary of aging due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury and credited to this fund and expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund — grants — federal	No limit
SHICK fund — state operations — federal	No limit
Senior services fund	\$1,200,000
Long-term care loan and grant fund	No limit
Intergovernmental transfer administration fund	\$53,000
Non-government grant fund	No limit
Other federal grants and assistance fund	No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants and assistance 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 2006 other than moneys appropriated by this or other appropriation act of the 2005 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 current or any ensuing fiscal year.

Alzheimer's disease demonstration grant — federal fund	No limit
Health facilities review fund	No limit
Adult care licensing revolving fund	No limit
Medicare fund — federal	No limit

(c) During the fiscal year ending June 30, 2006, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2006, from the state general fund for the department on aging to another item of appropriation for fiscal year 2006 from the state general fund for the department on aging. The secretary of aging shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(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 2006 as authorized by this section, expenditures shall be made by the above agency from the senior care act account of the state general fund for fiscal year 2006 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 2006 shall not exceed \$25,000.

(e) During the fiscal year ending June 30, 2006, the secretary of aging shall allocate the moneys appropriated for the department on aging from the state general fund in the program grants — nutrition — state match account for the in-home nutrition program in excess of any amount 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.

Sec. 111.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

State operations	\$96,608,245
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Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01 and

amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500.

Alcohol and drug abuse services grants \$3,557,716

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$49,750 except upon approval of the state finance council.

Mental health and retardation services aid and assistance \$152,587,618

Provided, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That, during the fiscal year ending June 30, 2006, of the expenditures from the mental health and retardation services aid and assistance account for HCBS/MRDD services as authorized by this or other appropriation act of the 2005 regular session, 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: *And provided further*, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2006 with expenditure data regarding this group: *Provided further*, That nothing in this or any other statute 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: *And provided further*, That any reductions in the HCBS/MRDD funding in fiscal year 2006 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: *And provided further*, That the secretary of social and rehabilitation services shall not expand the existing public mental health provider system by opening up the medical card for the provision of mental health services to other than the existing medicaid eligible providers of mental health services as of March 1, 2005: *And provided further*, That the secretary of social and rehabilitation services shall work with the association of community mental health centers of Kansas, inc., to identify and address concerns related to service delivery, access and choice within the structure of the existing public mental health system.

Kansas neurological institute — operating expenditures \$10,623,189

Provided, That any unencumbered balance in the Kansas neurological institute — operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$750,000 except upon approval of the state finance council: *Provided further*, That expenditures from the Kansas neurological institute — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Kansas neurological institute with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital — operating expenditures \$22,843,570

Provided, That any unencumbered balance in the Larned state hospital — operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$750,000 except upon approval of the state finance council: *Provided further*, That expenditures from the Larned state hospital — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Larned state hospital with unified

school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Larned state hospital — sexual predator treatment program \$7,370,785

Provided, That any unencumbered balance in the Larned state hospital — sexual predator treatment program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Osawatomi state hospital — operating expenditures \$8,333,958

Provided, That any unencumbered balance in the Osawatomi state hospital — operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures from the Osawatomi state hospital — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Osawatomi state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Parsons state hospital and training center — operating expenditures \$7,743,594

Provided, That any unencumbered balance in the Parsons state hospital and training center — operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures from the Parsons state hospital and training center — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility — operating expenditures \$3,671,552

Provided, That any unencumbered balance in the Rainbow mental health facility — operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures from the Rainbow mental health facility — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Rainbow mental health facility with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Children's mental health initiative \$1,500,000

Provided, That any unencumbered balance in the children's mental health initiative account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children.

Children's health insurance \$14,181,675

Provided, That any unencumbered balance in the children's health insurance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,004,274 except upon approval of the state finance council.

Youth services aid and assistance \$63,968,530

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Vocational rehabilitation aid and assistance..... \$4,558,621
Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *Provided, however*, That all such expenditures for durable equipment or assistive technology devices shall require a \$1 for \$1 match from non-state sources: *And provided further*, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker’s compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state.

Cash assistance \$59,698,116
Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Community based services \$44,592,859
Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Other medical assistance \$426,715,237
Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Sex predator program..... \$295,653
Provided, That any unencumbered balance in the sex predator program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund..... \$45,795,587
Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians’ malpractice insurance, and for transfers to the other federal grants and assistance fund.

Nonfederal reimbursements fund..... No limit
Provided, That all nonfederal reimbursements received by the department of social and rehabilitation services shall be deposited in the state treasury and credited to the nonfederal reimbursements fund: *Provided further*, That moneys in the nonfederal reimbursements fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians’ malpractice insurance, and for transfers to the social welfare fund.

Kansas neurological institute fee fund \$1,119,211
 Kansas neurological institute — foster grandparents program — federal fund..... No limit

Larned state hospital fee fund..... \$3,465,843
 Larned state hospital — elementary and secondary education fund — federal No limit

Larned state hospital — vocational education fund — federal No limit
 Larned state hospital — ECIA fund — federal No limit
 Larned state hospital — motor pool revolving fund No limit

Osawatomie state hospital fee fund \$4,228,183
Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the video teleconferencing fee account of the Osawatomie state hospital fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for

the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomi state hospital: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomi state hospital fee fund.

Osawatomi state hospital — ECIA fund — federal.....	No limit
Osawatomi state hospital — motor pool revolving fund.....	No limit
Osawatomi state hospital — training fee revolving fund.....	No limit

Provided, That all moneys received as fees for training activities for Osawatomi state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Osawatomi state hospital — training fee revolving fund: *Provided further*, That the superintendent of Osawatomi state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomi state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomi state hospital.

Parsons state hospital and training center fee fund	\$1,364,346
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Provided, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.

Rainbow mental health facility fee fund	\$975,939
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Rainbow mental health facility — elementary and secondary education fund — federal	No limit
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Social services clearing fund.....	No limit
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Social welfare fund.....	\$73,404,396
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Health committee insurance fund	No limit
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Other state fees fund	No limit
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Alcohol and drug abuse block grant federal fund	No limit
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Ryan White title II federal fund	No limit
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Child welfare services block grant federal fund	No limit
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Mental health block grant federal fund	No limit
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Social services block grant — federal fund	No limit
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Child care and development federal fund	No limit
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Children’s cabinet grants federal fund	No limit
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Temporary assistance to needy families federal fund	No limit
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Disability determination services federal fund	No limit
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Food stamp assistance federal fund.....	No limit
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Foster care assistance federal fund	No limit
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Medical assistance federal fund	No limit
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Rehabilitation services federal fund.....	No limit
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Other federal grants and assistance fund	No limit
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SRS enterprise fund	No limit
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SRS trust fund	No limit
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Provided, That all contributions from local entities shall be credited to the vocational rehabilitation special revenue account of the SRS trust fund for the purpose of providing the required state match for receipt of federal vocational rehabilitation funds: *Provided further*, That expenditures may be made from the vocational rehabilitation special revenue account of this fund for local community-based vocational rehabilitation programs.

SRS AIDS drug reimbursement — federal fund.....	No limit
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SRS — IGT fund	No limit
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Child support enforcement administration fund	No limit
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Energy assistance block grant federal fund.....	No limit
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Children’s health insurance federal fund No limit
 Family and children trust account — family and children investment
 fund No limit
Provided, That expenditures from the family and children trust account — family and chil-
 dren investment fund for official hospitality shall not exceed \$1,500.
 Health care access improvement fund No limit
 (c) There is appropriated for the above agency from the children’s initiatives fund for the
 fiscal year ending June 30, 2006, the following:
 Children’s cabinet accountability fund \$541,802
Provided, That any unencumbered balance in the children’s cabinet accountability fund
 account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Children’s mental health waiver \$3,800,000
Provided, That any unencumbered balance in the children’s mental health waiver account
 in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Family centered system of care \$5,000,000
Provided, That any unencumbered balance in the family centered system of care account
 in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Therapeutic preschool \$1,000,000
Provided, That any unencumbered balance in the therapeutic preschool account in excess
 of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Child care \$1,400,000
Provided, That any unencumbered balance in the child care account in excess of \$100 as of
 June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Community services for child welfare \$3,492,101
Provided, That any unencumbered balance in the community services for child welfare
 account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 HealthWave \$2,000,000
Provided, That any unencumbered balance in the HealthWave account in excess of \$100 as
 of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Children’s cabinet early childhood discretionary grant program \$8,887,828
Provided, That any unencumbered balance in the children’s cabinet early childhood discre-
 tionary grant program account in excess of \$100 as of June 30, 2005, is hereby reappropriated
 for fiscal year 2006: *Provided further*, That \$200,000 shall be expended from the children’s
 cabinet early childhood discretionary grant program account for fiscal year 2006 for the
 department of health and environment infants and toddlers program.
 Medicaid \$3,000,000
Provided, That any unencumbered balance in the medicaid account in excess of \$100 as of
 June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Immunization outreach \$500,000
Provided, That any unencumbered balance in the immunization outreach account in excess
 of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Family preservation \$2,957,899
Provided, That any unencumbered balance in the family preservation account in excess of
 \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 School violence prevention \$228,000
Provided, That any unencumbered balance in the school violence prevention account in
 excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Attendant care for independent living \$50,000
Provided, That any unencumbered balance in the attendant care for independent living
 account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 (d) There is appropriated for the above agency from the Kansas endowment for youth
 fund for the fiscal year ending June 30, 2006, the following:
 Children’s cabinet administration \$252,882
 (e) During the fiscal year ending June 30, 2006, the secretary of social and rehabilitation
 services, with the approval of the director of the budget, may transfer any part of any item
 of appropriation for the fiscal year ending June 30, 2006, from the state general fund for
 the department of social and rehabilitation services or any institution or facility under the

general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2006 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(f) On July 1, 2005, the superintendent of Osawatomi state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomi state hospital — canteen fund to the Osawatomi state hospital — patient benefit fund.

(g) On July 1, 2005, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center — canteen fund to the Parsons state hospital and training center — patient benefit fund.

(h) (1) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the title XIX fund to the other federal grants and assistance fund the amount specified by the secretary of social and rehabilitation services.

(2) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the nonfederal reimbursements fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.

(i) During the fiscal year ending June 30, 2006, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.

(j) During the fiscal year ending June 30, 2006, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. During the fiscal year ending June 30, 2006, upon receipt of one or more donations of moneys from private sources for deposit to the credit of the family and children endowment account of the family and children investment fund, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2006, as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2006 for payments into the family and children endowment account of the family and children investment fund that match the aggregate amount of all such donations and that are equal to the aggregate amount of moneys donated to and credited to the family and children endowment account of the family and children investment fund during fiscal year 2006.

(k) 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 2006 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2006 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the department of social and rehabilitation services: *Provided*, That, in accordance with the provisions of federal law, the secretary of social and rehabilitation services shall not deny services to children under the home and community based services programs based on the failure of any parent to pay such fees: *Provided further*, That such fees shall be fixed by adoption of a sliding fee scale

established by the secretary of social and rehabilitation services and such fees shall recover all or part of the expenses incurred in providing such services: *And provided further*, That such fees shall be reduced or waived in cases of demonstrable hardship and for families who are at or below 200% of the federal poverty level and who are receiving home and community based services: *And provided further*, That all moneys received by the department of social and rehabilitation services for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the social welfare fund.

(l) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC — medicaid assistance — NF account of the state general fund of the department on aging to the LTC — medicaid assistance — HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2005, and on June 1, 2006, 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 2006 shall not exceed the amount required to support the movement of 80 individuals from nursing facilities to home and community-based services: *And provided further*, That each of the 80 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: *And provided further*, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2006 with expenditure data regarding this program.

(m) On July 1, 2005, the child care mandatory federal fund of the department of social and rehabilitation services is hereby redesignated as the child care and development federal fund of the department of social and rehabilitation services.

Sec. 112.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Kansas guardianship program \$1,042,007

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

Grants and gifts fund No limit

Sec. 113.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality) \$9,377,980

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

Governor's teaching excellence scholarships and awards \$222,000

Provided, That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be to provide grants of \$1,000 each to Kansas elementary and secondary public school teachers who are accepted to participate in the national board for professional teaching standards certification program under the governor's teaching excellence scholarships program which shall be administered by the state board of education: *Provided further*, That each such grant shall be required to be

matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund.

Mentor teacher program grants \$1,000,000
 General state aid \$1,799,498,000

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

Special education services aid \$267,491,845

Provided, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *Provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983 and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978 and amendments thereto: *And provided further*, That for expenditures from the special education services aid account of the above agency, fully-trained reading recovery teacher leaders, selected by the agency in accordance with established criteria, shall be considered to be special teachers as defined in subsection (j)(1) of K.S.A. 72-962 and amendments thereto for the purpose of determining amounts of payments to be made to school districts in accordance with the provisions of K.S.A. 72-978 and amendments thereto from the amount remaining in the special education services aid account after deduction of expenditures made in accordance with the provisions of K.S.A. 72-893 and amendments thereto: *Provided, however*, That expenditures for fully-trained reading recovery teacher leaders considered to be special teachers shall not exceed \$180,000.

Supplemental general state aid \$164,984,000

Provided, That any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Kansas foundation for agriculture project grant \$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.

Discretionary grants \$130,000

School food assistance \$2,510,486

School safety hotline \$10,000

KPERS — employer contributions \$158,509,969

Provided, That any unencumbered balance in the KPERS — employer contributions account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006:

Provided further, That all expenditures from the KPERS — employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939 and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Teacher performance assessment \$325,000

Parent education program \$4,817,000

Provided, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount which is equal to not less than 65% of the grant: *Provided further*, That expenditures from this account for fiscal year 2006 for

establishing and maintaining a Kansas training model that meets the requirement for the parents as teachers program shall not exceed \$27,500.

Educable deaf-blind and severely handicapped children's programs aid.....	\$110,000
School district juvenile detention facilities and Flint Hills job corps center grants	\$6,587,188

Provided, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-8187 and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund	No limit
School district capital improvements fund.....	No limit
<i>Provided</i> , That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72- 6761 and amendments thereto.	
Conversion of materials and equipment fund	No limit
State safety fund	No limit
School bus safety fund.....	No limit
Goals 2000 federal fund	No limit
Motorcycle safety fund	No limit
Federal indirect cost reimbursement fund	No limit
Certificate fee fund	No limit
Food assistance — federal fund.....	No limit
Food assistance — school breakfast program — federal fund.....	No limit
Food assistance — national school lunch program — federal fund.....	No limit
Food assistance — child and adult care food program — federal fund...	No limit
Elementary and secondary school aid — federal fund.....	No limit
Elementary and secondary school aid — educationally deprived children — federal fund.....	No limit
Educationally deprived children — state operations — federal fund.....	No limit
Elementary and secondary school — educationally deprived children — LEA's fund	No limit
ESEA chapter II — state operations — federal fund.....	No limit
Education of handicapped children fund — federal	No limit
Education of handicapped children fund — state operations — federal	No limit
Education of handicapped children fund — preschool — federal fund ..	No limit
Education of handicapped children fund — preschool state operations — federal	No limit
Elementary and secondary school aid — federal fund — migrant education fund.....	No limit
Elementary and secondary school aid — federal fund — migrant education — state operations	No limit
Vocational education amendments of 1968 — federal fund.....	No limit
Vocational education title II — federal fund	No limit
Vocational education title II — federal fund — state operations	No limit
Educational research grants and projects fund.....	No limit
Education for economic security act — federal fund.....	No limit
Drug abuse fund — department of education — federal.....	No limit
Federal class size reduction fund	No limit
School renovation grants — federal fund.....	No limit
Drug abuse funds — federal — state operations fund.....	No limit
Inservice education workshop fee fund.....	No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the inservice education workshop fee fund.

Private donations, gifts, grants and bequests fund No limit
 Interactive video fee fund No limit

Provided, That expenditures may be made from the interactive video fee fund for operating expenditures incurred in conjunction with the operation and use of the interactive video conference facility of the department of education: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for the operation and use of such interactive video conference facility: *And provided further*, That all fees received for the operation and use of such interactive video conference facility shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the interactive video fee fund.

Reimbursement for services fund No limit
 Communities in schools program fund No limit
 Governor's teaching excellence scholarships program repayment fund ... No limit

Provided, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be to provide grants of \$1,000 each to Kansas elementary and secondary public school teachers who are accepted to participate in the national board for professional teaching standards certification program under the governor's teaching excellence scholarships program which shall be administered by the state board of education: *Provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the governor's teaching excellence scholarships program repayment fund.

Elementary and secondary school aid — federal fund — reading first ... No limit
 Elementary and secondary school aid — federal fund — reading first —
 state operations No limit
 State grants for improving teacher quality — federal fund No limit
 State grants for improving teacher quality — federal fund — state
 operations No limit
 Community service grants — federal fund No limit
 21st century community learning centers — federal fund No limit
 State assessments — federal fund No limit
 Rural and low-income schools program — federal fund No limit
 Language assistance state grants — federal fund No limit
 Service clearing fund No limit
 Helping schools license plate program fund No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2006, the following:

Grant to the Kansas optometric association for vision study \$300,000

Provided, That any unencumbered balance in the grant to the Kansas optometric association for vision study account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Parent education program \$2,500,000
Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 General state aid four-year-old at-risk \$5,304,045
Provided, That any unencumbered balance in the general state aid four-year-old at-risk account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.
 Special education services aid \$1,225,000
Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(d) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund of the department of social and rehabilitation services to the communities in schools program fund of the department of education.

(e) On July 1, 2005, and quarterly thereafter, the director of accounts and reports shall transfer \$54,162 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

(f) On July 1, 2005, or as soon thereafter as moneys are available therefor, notwithstanding the provisions of K.S.A. 8-267 or 8-272 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$2,600,000 from the state safety fund of the department of education to the state general fund: *Provided*, That the amount transferred from the state safety fund of the department of education 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 state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 114.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$1,569,764
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.
 Grants to libraries and library systems \$3,404,337
Provided, That, of the moneys appropriated in the grants to libraries and library systems account, \$2,393,562 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555 and amendments thereto, \$624,670 shall be distributed for interlibrary loan development grants and \$386,105 shall be paid according to contracts with the subregional libraries of the Kansas talking book services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund No limit
 Federal library services and technology act — fund No limit
 Grants and gifts fund No limit

Sec. 115.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$347,781
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$4,000: *Provided further*, That expenditures may be made by the above agency from any amount of savings in the operating expenditures account for the purpose of matching

an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects.

Arts programming grants and challenge grants..... \$1,173,633
Provided, That expenditures from the arts programming grants and challenge grants account shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects: *Provided further*, That expenditures from this account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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 arts commission fee fund.....	No limit
Kansas arts commission gifts, grants and bequests — federal fund	No limit
Kansas arts commission special gifts fund	No limit
Arts programming grants fund	No limit

Provided, That moneys received by the Kansas arts commission from the remittance of the unexpended balance of arts programming grants to the commission shall be deposited in the state treasury and credited to the arts programming grants fund: *Provided further*, That expenditures from this fund shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects.

Sec. 116.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$4,605,012
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Arts for the handicapped	\$150,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund	No limit
Local services reimbursement fund	No limit
<i>Provided</i> , That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: <i>Provided further</i> , That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the local services reimbursement fund.	
Student activity fees fund.....	No limit
Special bequest fund.....	No limit
Gift fund.....	No limit
Technology lending library fund	No limit
Food assistance — cash for commodities — federal fund.....	No limit
Food assistance — breakfast — federal fund.....	No limit
Food assistance — lunch — federal fund	No limit
Chapter I handicapped — federal fund	No limit
Education improvement — federal fund	No limit
Math and science improvement — federal fund	No limit
Elementary and secondary — federal fund.....	No limit
Supported employment initiative — federal fund.....	No limit

Sec. 117.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$7,623,643

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund No limit

Local services reimbursement fund No limit

Provided, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the local services reimbursement fund: *And provided further*, That all expenditures from this fund shall be for capital outlay.

Student activity fees fund No limit

Elementary and secondary education act — federal fund No limit

Vocational education fund — federal No limit

Special bequest fund No limit

Special workshop fund No limit

Gift fund No limit

Sec. 118.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$5,515,193

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,500.

Kansas humanities council \$81,830

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit card clearing fund No limit

Vehicle repair and replacement fund No limit

General fees fund No limit

Archeology fee fund No limit

Provided, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the archeology fee fund.

Archeology federal fund No limit

Microfilm fees fund No limit

Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing microfilming services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing microfilming services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the microfilm fees fund.

Records center fee fund No limit
Provided, That expenditures may be made from the records center fee fund for operating expenses for providing copying and related services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the records center fee fund.

Historic properties fee fund No limit
 National historic preservation act fund — state No limit
 Historic preservation overhead fees fund No limit
 National historic preservation act fund — local No limit
 Private gifts, grants and bequests fund No limit
 Museum and historic sites visitor donation fund No limit
 Insurance collection replacement/reimbursement fund No limit
 Heritage trust fund No limit

Provided, That expenditures from the heritage trust fund for state operations shall not exceed \$96,472.

Land survey fee fund No limit
Provided, That, notwithstanding the provisions of K.S.A. 58-2011 and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year ending June 30, 2006, for operating expenditures that are not related to administering the land survey program.

State historical society facilities fund No limit
 Historic properties fund No limit
 Law enforcement memorial fund No limit
 Other federal grants fund 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 2006 other than moneys appropriated by this or other appropriation act of the 2005 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 current or any ensuing fiscal year.

Property sale proceeds fund No limit
Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701 and amendments thereto shall be deposited in the state treasury and credited to the property sale proceeds fund.

Sec. 119.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality) \$31,879,264
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund No limit
Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund to match federal grant moneys.	
Restricted fees fund	No limit
<i>Provided</i> , That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); Leader (newspaper); conferences, clinics and workshops — noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: <i>Provided, however</i> , That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: <i>Provided further</i> , That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: <i>And provided further</i> , That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: <i>And provided further</i> , That expenditures may be made from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101 and amendments thereto: <i>And provided further</i> , That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the midwestern student exchange account of the restricted fees fund.	
Education opportunity act — federal fund	No limit
Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.	
Commencement fees fund	No limit
Health fees fund	No limit
<i>Provided</i> , That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Student union fees fund	No limit
Kansas career work study program fund	No limit
Economic opportunity act — federal fund	No limit
Kansas comprehensive grant fund	No limit
Faculty of distinction matching fund	No limit
Nine month payroll clearing account fund	No limit
Federal Perkins student loan fund	No limit
Housing system revenue fund	No limit
Institutional overhead fund	No limit
Oil and gas royalties fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit

Sponsored research overhead fund	No limit
Kansas distinguished scholarship fund	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund to the federal Perkins student loan fund.

Sec. 120.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality)	\$104,478,615
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund	No limit
Faculty of distinction matching fund	No limit
General fees fund	No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Interest on endowment fund	No limit
Restricted fees fund	No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education — publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education — Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend

or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages.

Kansas career work study program fund..... No limit
Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Sponsored research overhead fund No limit

Provided, That the above agency may transfer moneys from the sponsored research overhead fund of Kansas state university to the sponsored research overhead fund of Kansas state university extension systems and agriculture research programs.

Housing system suspense fund..... No limit

Housing system operations fund No limit

Housing system repairs, equipment and improvement fund No limit

Mandatory retirement annuity clearing fund No limit

Student health fees fund..... No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund No limit

Perkins student loan fund No limit

Board of regents — U.S. department of education awards fund..... No limit

State agricultural university fund..... No limit

Federal extension civil service retirement clearing fund..... No limit

Salina — student union fees fund..... No limit

Salina — housing system operation fund No limit

Kansas distinguished scholarship fund..... No limit

Kansas comprehensive grant fund No limit

Temporary deposit fund No limit

Business procurement card clearing fund No limit

Suspense fund..... No limit

Voluntary tax shelter annuity clearing fund..... No limit

Agency payroll deduction clearing fund No limit

Payroll clearing fund..... No limit

Pre-tax parking clearing fund..... No limit

University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed \$97,924 from the general fees fund to the Perkins student loan fund.

Sec. 121.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality)..... \$772,695

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

Cooperative extension service (including official hospitality)..... \$18,211,367

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Agricultural experiment stations (including official hospitality)..... \$29,676,506

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy — Ashland farm; KSU agricultural research center — Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy — general; agronomy — experimental field crop sales; entomology sales; grain science and industry — Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; animal resource facility; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; other specifically designated receipts not available for general operations of the university: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2006.

Fertilizer research fund..... No limit

Sponsored research overhead fund..... No limit

Federal extension fund..... No limit

Federal experimental station fund..... No limit

Federal awards — advance payment fund..... No limit

Smith-Lever special program grant — federal fund..... No limit

Faculty of distinction matching fund..... No limit

Kansas artificial breeding service unit fees fund..... No limit

Agricultural land use-value fund..... No limit

University federal fund No limit
Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$300,000
 Sec. 122.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality) \$9,988,928
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys.
 Hospital and diagnostic laboratory revenue fund No limit
 Faculty of distinction matching fund No limit
 Hospital and diagnostic laboratory improvement fund No limit
 Restricted fees fund No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; storerooms; departmental receipts for all sales refunds and other collections; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Sponsored research overhead fund No limit
 Health professions student loan fund No limit
 H.E.W. veterinary revolving student loan fund No limit
 Suspense fund No limit
 University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$10,000 from the general fees fund to the health professions student loan fund.

Sec. 123.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality)	\$30,617,797
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Reading recovery program	\$242,889
Nat'l Board Cert/Future Teacher Academy	\$145,766

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund	No limit
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Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund	No limit
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Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Interest on state normal school fund fund	No limit
Restricted fees fund	No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern exchange; departmental receipts — for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the midwestern student exchange account of the restricted fees fund.

Service clearing fund	No limit
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Provided, That the service clearing fund shall be used for the following service activities: Telecommunications services; office supplies inventory; state car operation; E.S.U. press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; data processing center; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Commencement fees fund	No limit
Kansas career work study program fund	No limit
Student health fees fund	No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Faculty of distinction matching fund.....	No limit
Bureau of educational measurements fund.....	No limit
National direct student loan fund.....	No limit
Economic opportunity act — work study — federal fund.....	No limit
Educational opportunity grants — federal fund.....	No limit
Basic opportunity grant program — federal fund.....	No limit
Research and institutional overhead fund.....	No limit
Kansas comprehensive grant fund.....	No limit
Housing system suspense fund.....	No limit
Housing system operations fund.....	No limit
Housing system repairs, equipment and improvement fund.....	No limit
Kansas distinguished scholarship fund.....	No limit
University federal fund.....	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership federal fund..... No limit

(c) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Emporia state university of not to exceed \$30,000 from the general fees fund to the national direct student loan fund.

(d) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$52,117 from the student union account of the restricted fees fund of Emporia state university to the state general fund.

(e) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,515 from the housing systems operations fund of Emporia state university to the state general fund.

Sec. 124.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality)..... \$33,570.974

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund..... No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund..... No limit

Provided, That all moneys received for tuition received from students participating in the contiguous county program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: *Provided further*, That expenditures may be made from the general fees fund to match federal grant moneys.

Restricted fees fund..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; and grants from other state agencies; *Midwest Quarterly*; chamber music series; contract — post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity — state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the

approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships.

Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Hospital and student health fees fund No limit

Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund No limit

Faculty of distinction matching fund No limit

Perkins student loan fund No limit

Sponsored research overhead fund No limit

College work study fund No limit

Nursing student loan fund No limit

Housing system suspense fund No limit

Housing system operations fund No limit

Housing system repairs, equipment and improvement fund No limit

Kansas comprehensive grant fund No limit

Kansas distinguished scholarship program fund No limit

University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Perkins student loan fund; nursing student loan fund.

Sec. 125.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality) \$130,552,281

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

Geological survey \$6,093,902

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities revenue fund	No limit
Faculty of distinction matching fund.....	No limit
General fees fund	No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That all moneys received for tuition for students enrolled in courses offered at the regents center on the Edwards campus shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to this fund: *And provided further*, That the director of accounts and reports shall transfer on a periodic basis amounts generated from such courses as specified by the chancellor of the university of Kansas, or the chancellor's designee, from the general fees fund to the regents center development fund.

Regents center development fund	No limit
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Provided, That expenditures shall be made from the regents center development fund for program operations and development and for capital improvements at the Edwards campus: *Provided further*, That the fund may be pledged to debt service for capital improvements at the Edwards campus.

Interest fund	No limit
Sponsored research overhead fund	No limit
Law enforcement training center fund	No limit

Provided, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided, however*, That any academic credit granted through this program shall not be included in the university's budgeted enrollment figures: *Provided further*, That expenditures may be made from this fund for the acquisition of tracts of land adjacent to the law enforcement training center.

Law enforcement training center fees fund	No limit
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Provided, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund	No limit
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Provided, That restricted fees shall be limited to receipts for the following accounts: Institute for public policy and business research; technology equipment; clinical psychology conference; concert course; residence hall maintenance; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; housing and residence halls; endowment research salaries; engineering research salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; engineering equipment fee; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and

training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; furniture stores; business office stores; university printing service; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Health service fund No limit

Provided, That expenditures from the health service fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Kansas career work study program fund No limit

Student union fund No limit

Federal Perkins loan fund No limit

Provided, That expenditures from the national direct student loan fund shall be used for the federal Perkins student loan program, federal supplemental educational opportunity program and federal disadvantaged student loan program.

Ford foundation — forgivable loan fund No limit

Health professions student loan fund No limit

Housing system suspense fund No limit

Housing system revenue fund No limit

Scientific research and development project — special revenue fund No limit

Housing system operations fund No limit

Housing system repairs, equipment and improvement fund No limit

Educational opportunity act — federal fund No limit

Loans for disadvantaged students fund No limit

Prepaid tuition fees clearing fund No limit

Kansas comprehensive grant fund No limit

Fire service training fund No limit

University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$285,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Federal Perkins student loan program account of the national direct student loan fund; federal supplemental educational opportunity program account of the national direct student loan fund; federal disadvantaged student loan program account of the national direct student loan fund; health professions student loan fund.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2006, for the water plan project or projects specified, the following:

Geological survey \$40,000

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

(e) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer one or more amounts specified by the chancellor of the university of Kansas from one or more accounts of the restricted fees fund to the multicultural resource center — construction fund.

Sec. 126.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality) \$101,627,744

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures may be made from this account for the purchase of malpractice insurance for students in training at the university of Kansas school of medicine, nursing and allied health: *And provided further*, That such malpractice insurance shall be approved by the commissioner of insurance of the state of Kansas: *And provided further*, That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships and loans \$2,786,764

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Faculty of distinction matching fund No limit

Restricted fees fund No limit

Provided, That restricted fees shall be limited to the following accounts: Technology equipment; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; computer remote access; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; student union fees; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; fungal sales; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; department of social and rehabilitation services cost-sharing: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *And provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development — special revenue fund No limit

Sponsored research overhead fund No limit

Parking fees fund No limit

Services to hospital authority fund No limit

Direct medical education reimbursement fund No limit

Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; clothing (uniforms); physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; graphic services; instructional services; biomedical engineering; audiovisual services; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.	
Educational nurse faculty loan program fund	No limit
Federal college work study fund	No limit
AMA education and research grant fund	No limit
Federal health professions/primary care student loan fund.....	No limit
Federal nursing student loan fund	No limit
Suspense fund.....	No limit
Federal student educational opportunity grant fund.....	No limit
Federal Pell grant fund.....	No limit
Federal Perkins student loan fund	No limit
Medical loan repayment fund	No limit
<i>Provided</i> , That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund or on the total expenditures from the medical loan repayment fund.	
Graduate medical education administration reserve fund	No limit
University of Kansas medical center private practice foundation reserve fund.....	No limit
Robert Wood Johnson award fund.....	No limit
Federal scholarship for disadvantaged students fund	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following funds: Federal Perkins student loan fund; federal nursing student loan fund; federal student education opportunity grant fund; federal college work study fund; educational nurse faculty loan program fund; federal health professions/primary care student loan fund.

(d) During the fiscal year ending June 30, 2006, medical students enrolled at the university of Kansas medical center are hereby self-insured by the state of Kansas while in clinical training at the university of Kansas medical center or at other health care institutions. Such individuals shall be considered employees for purposes of the Kansas tort claims act and shall be provided defense and indemnification for claims arising out of their clinical training at the university of Kansas medical center or at other health care institutions in accordance with the provisions of the Kansas tort claims act. Within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for such medical students. Any such malpractice insurance purchase shall be approved by the commissioner of insurance of the state of Kansas.

(e) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer an amount specified by the chancellor prior to July 1, 2005, from the general fees fund to the student health insurance premiums account of the restricted fees fund.

(f) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2006, the following:

Telekid health care link.....	\$250,000
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2005, in the telekid health care link account is hereby reappropriated for fiscal year 2006.

Sec. 127.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality) \$65,502,086

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

Aviation research \$2,000,000

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts — for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Faculty of distinction matching fund No limit

Kansas career work study program fund No limit

Scholarship funds fund No limit

Sponsored research fund No limit

Sponsored research overhead fund No limit

Economic opportunity act — federal fund No limit

Education opportunity grant — federal fund No limit

Matching education opportunity grant fund No limit

Health professions student assistance program — loans fund No limit

Nine month payroll clearing account fund No limit

Pell grants fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system renovation principal and interest fund.....	No limit
Housing system renovation and bond reserve fund	No limit
WSU housing system depreciation and replacement fund.....	No limit
Perkins loan fund	No limit
Kansas distinguished scholarship fund	No limit
Kansas comprehensive grant fund	No limit
WSU housing systems revenue fund	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership — federal fund..... No limit

(c) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$42,150 from the WSU housing systems revenue fund of Wichita state university to the state general fund.

Sec. 128.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures (including official hospitality)..... \$3,179,703

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That, in addition to other expenditures made by the above agency from the operating expenditures (including official hospitality) account during fiscal year 2006, expenditures shall be made from this account for the purpose of examining opportunities available to increase the number of seats at dental schools contracted through the reciprocal agreement or to establish a dental school in Kansas.

State scholarship program

\$1,133,199

Provided, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 72-6816 and amendments thereto and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283 and amendments thereto: *And provided further*, That of the total amount appropriated in the state scholarship program account the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Comprehensive grant program

\$13,189,878

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

Ethnic minority scholarship program

\$315,213

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Kansas work-study program

\$528,172

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 *et seq.*, and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC scholarship reimbursement.....

\$186,401

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

Teachers scholarship program.....	\$326,744
<i>Provided</i> , That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
National guard educational assistance	\$925,838
<i>Provided</i> , That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Vocational scholarships	\$121,275
<i>Provided</i> , That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Nursing student scholarship program.....	\$243,592
<i>Provided</i> , That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Optometry education program	\$113,850
<i>Provided</i> , That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Municipal university operating grant.....	\$11,012,456
Postsecondary aid for vocational education.....	\$20,673,603
Adult basic education	\$1,148,998
Community college operating grant.....	\$91,130,331
Technology equipment at community colleges and Washburn university	\$424,077
<i>Provided</i> , That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of education.	
Faculty salary enhancement	\$3,333,426
<i>Provided</i> , That the state board of regents is hereby authorized to transfer moneys from the faculty salary enhancement account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.	
Operating grant	\$11,643,908
<i>Provided</i> , That the state board of regents is hereby authorized to transfer moneys from the operating grant account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.	
Payment to KPERS.....	\$1,756,004
Southwest Kansas access project	\$200,000
<i>Provided</i> , That any unencumbered balance in the southwest Kansas access project account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided further</i> , That the state board of regents is hereby authorized to transfer moneys from this account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents.	
Out-district tuition off-set	\$3,200,000
<i>Provided</i> , That the state board of regents is hereby authorized to make expenditures from the out-district tuition off-set account for grants to community colleges and Washburn university: <i>Provided further</i> , That such grants shall be distributed in proportion to the amount of out-district tuition received by the community colleges and Washburn university.	
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:	
Osteopathic medical service scholarship repayment fund	No limit
Vocational education scholarship discontinued attendance fund	No limit
Leveraging educational assistance program fund — federal.....	No limit
Regents' scholarship gift fund	No limit
<i>Provided</i> , That expenditures may be made from the regents' scholarship gift fund for schol-	

arships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations: *Provided, however*, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: *Provided further*, That no scholarship awarded from this fund shall exceed \$2,000 per academic year: *And provided further*, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816 and amendments thereto or a tuition grant under K.S.A. 72-6107 through 72-6111 and amendments thereto, or both: *And provided further*, That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

KAN-ED fund	No limit
<i>Provided</i> , That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act.	
KAN-ED federal fund	No limit
Earned indirect costs fund — federal	No limit
Faculty of distinction program fund	No limit
Paul Douglas teacher scholarship fund — federal	No limit
GED credentials processing fees fund	No limit
Proprietary school fee fund	No limit
Tuition waiver gifts, grants and reimbursements fund	No limit
Adult basic education — federal fund	No limit
Truck driver training fund	No limit
No child left behind federal fund	No limit
Comprehensive grant program discontinued attendance fund	No limit
State scholarship discontinued attendance fund	No limit
Kansas ethnic minority fellowship program fund	No limit
Private postsecondary educational institution degree authorization expense reimbursement fee fund	No limit
Substance abuse education fund — federal	No limit
Nursing service scholarship program fund	No limit
Kansas ethnic minority discontinued attendance fund	No limit
Clearing fund	No limit
Conversion of materials and equipment fund	No limit
Teacher scholarship program fund	No limit
Financial aid services fee fund	No limit
<i>Provided</i> , That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: <i>Provided further</i> , That the executive director of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications for student financial assistance under programs administered by the state board of regents: <i>And provided further</i> , That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the financial aid services fee fund.	
Inservice education workshop fee fund	No limit
Optometry education repayment fund	No limit
Teacher scholarship repayment fund	No limit
Advanced registered nurse practitioner service scholarship program fund	No limit
Nursing service scholarship repayment fund	No limit
ROTC service scholarship program fund	No limit
ROTC service scholarship repayment fund	No limit
Carl D. Perkins vocational and technical education — federal fund	No limit

Carl D. Perkins vocational and technical education — federal fund —	
state operations	No limit
Other federal grants fund.....	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2006 other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2006, other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature.	
Kansas national guard educational assistance program repayment fund ..	No limit
Carl D. Perkins technical preparation — federal fund.....	No limit
Grants fund.....	No limit
Workforce development loan fund.....	No limit
FICA recovery fund	No limit

Provided, That any moneys received by any state educational institution from the federal government for repayment of payroll or other taxes improperly paid to the federal government to the credit of the FICA recovery fund: *Provided further*, That all moneys in the FICA recovery fund shall be used by the state board of regents to reimburse the department of education, department of administration and state board of regents for direct costs and time incurred in obtaining repayment of payroll or other taxes improperly paid: *And provided further*, That all such reimbursements shall be in addition to any expenditure limitation imposed on this fund: *And provided further*, That after such reimbursements, the state board of regents may transfer amounts from the FICA recovery fund, which in the aggregate do not exceed \$5,000,000, to the appropriate fund or funds of any state educational institution for the purpose of providing additional funding for operating expenditures.

Regents clearing fund.....	No limit
Private and out-of-state postsecondary educational institution fee fund ..	No limit

(c) During the fiscal year ending June 30, 2006, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2006, to another item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2006. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department. As used in this subsection, "account" (1) means the operating expenditures (including official hospitality) account of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and (2) includes each account of the state general fund of the state board of regents.

(d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2006, the following:

Vocational education capital outlay aid	\$2,565,000
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Provided, That expenditures from the vocational education capital outlay aid account for each grant of vocational educational capital outlay aid shall be matched by the area vocational school, the area vocational-technical school or the technical college in an amount which is equal to 50% of the grant: *Provided further*, That any unencumbered balance in excess of \$100 as of June 30, 2005, in the vocational education capital outlay aid account is hereby reappropriated for fiscal year 2006.

Postsecondary aid for vocational education	\$6,957,162
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2005, in the postsecondary aid for vocational education account is hereby reappropriated for fiscal year 2006.

Technology innovation and internship program \$180,500
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2005, in the technical innovation and internship program account is hereby reappropriated for fiscal year 2006.

(e) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 for such state educational institution as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 for the purposes of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2006: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided, further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further*, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal or greater than the cost of debt service on such bonds: *And provided further*, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2006 regular session of the legislature.

(2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(f) In addition to other expenditures authorized to be made from the comprehensive grant program account of the state general fund for fiscal year 2006 for the awards of Kansas comprehensive grants in accordance with the provisions of K.S.A. 74-32,120 through 74-32,125, and amendments thereto, and policies and rules and regulations adopted by the state board of regents for the administration of the Kansas comprehensive grant program, expenditures shall be made from the comprehensive grant program account of the state general fund for fiscal year 2006 for awards of Kansas comprehensive grants to eligible Kansas students who are enrolling or enrolled at an institution of higher education which is accredited by the Association for Biblical Higher Education and which has its main campus or principal place of operation located in Kansas, and otherwise in accordance with and subject to the provisions of K.S.A. 74-32,120 through 74-32,125, and amendments thereto, and policies and rules and regulations adopted by the state board of regents for the administration of the Kansas comprehensive grant program.

Sec. 129.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Central administration operations and parole and postrelease supervision operations \$14,913,120
Provided, That any unencumbered balance in the central administration operations and parole and postrelease supervision operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$176,561 except upon approval of the state finance council: *Provided further*, That expenditures from the central administration operations and parole and postrelease supervision operations account for official hospitality shall not exceed \$2,000.

Community corrections \$15,261,958
Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$286,954, except upon approval of the state finance council: *Provided further*, That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2006 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Day reporting centers \$2,091,697
Provided, That any unencumbered balance in the day reporting center state match account in excess of \$100 as of June 30, 2005, is hereby reappropriated to the day reporting centers account for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$37,523, except upon approval of the state finance council: *Provided further*, That all expenditures from the day reporting centers account shall be made pursuant to a contract which is hereby authorized to be entered into by the secretary of corrections with a private entity for operation of such day reporting centers: *And provided further*, That such contract shall be designed to use day reporting centers to divert offenders who would otherwise occupy prison space making additional prison space available for violent offenders.

Local jail payments \$1,861,000
Provided, That, notwithstanding the provisions of K.S.A. 19-1930 and amendments thereto, payments by the department of corrections under subsection (b) of K.S.A. 19-1930 and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate program, for the department of corrections.

Community correctional conservation camp \$2,363,300
 Conservation camp for female offenders \$969,674
Provided, That any unencumbered balance in the conservation camp for female offenders account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

Treatment and programs \$42,853,796
Provided, That expenditures from the treatment and programs account for malpractice insurance shall not be greater than the amount obtained by multiplying \$5,000 by the approved number of positions equated to full-time for individuals employed as physician specialists, physician assistants and dentists.

Topeka correctional facility — facilities operations \$10,696,856
Provided, That any unencumbered balance in the Topeka correctional facility — facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,614 except upon approval of the state finance council: *Provided further*, That expenditures from the Topeka correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility — facilities operations \$25,257,903
Provided, That any unencumbered balance in the Hutchinson correctional facility — facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$3,182 except upon approval of the state finance council: *Provided further*,

That expenditures from the Hutchinson correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility — facilities operations \$33,300,762
Provided, That any unencumbered balance in the Lansing correctional facility — facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,501 except upon approval of the state finance council: *Provided further*, That expenditures from the Lansing correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility — facilities operations \$10,929,770
Provided, That any unencumbered balance in the Ellsworth correctional facility — facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$1,690 except upon approval of the state finance council: *Provided further*, That expenditures from the Ellsworth correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility — facilities operations \$10,314,856
Provided, That any unencumbered balance in the Winfield correctional facility — facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Winfield correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility — facilities operations \$12,660,982
Provided, That any unencumbered balance in the Norton correctional facility — facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Norton correctional facility — facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility — facilities operations \$21,400,558
Provided, That any unencumbered balance in the El Dorado correctional facility — facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the El Dorado correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility — facilities operations \$8,411,359
Provided, That any unencumbered balance in the Larned correctional mental health facility — facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Larned correctional mental health facility — facilities operations account for official hospitality shall not exceed \$500.

Facilities operations \$14,022,625
Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Other federal grants fund 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 \$1,000,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2006 other than moneys appropriated by this or other appropriation act of the 2005 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 \$1,000,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Supervision fees fund	No limit
Asset forfeiture — federal fund	No limit
Residential substance abuse treatment — federal fund.....	No limit
Justice assistance — federal fund	No limit
Department of corrections state asset forfeiture fund	No limit
Carl Perkins act — federal fund	No limit
Violent offender incarceration and truth in sentencing incentive grants — federal fund	No limit
Chapter I — federal fund	No limit
Correctional industries fund.....	No limit

Provided, That expenditures may be made from the correctional industries fund for official hospitality.

Alcohol and drug abuse treatment fund	No limit
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Provided, That expenditures may be made from the alcohol and drug abuse fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

State of Kansas — department of corrections inmate benefit fund	No limit
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Department of corrections — alien incarceration grant fund — federal	No limit
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Department of corrections — general fees fund	No limit
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Provided, That expenditures may be made from the department of corrections — general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: *Provided further,* That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: *And provided further,* That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further,* That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to this fund.

Topeka correctional facility — community development block grant — federal fund	No limit
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Topeka correctional facility — bureau of prisons contract — federal fund.....	No limit
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Topeka correctional facility — general fees fund	No limit
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Hutchinson correctional facility — general fees fund.....	No limit
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Lansing correctional facility — general fees fund.....	No limit
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Ellsworth correctional facility — general fees fund.....	No limit
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Winfield correctional facility — general fees fund	No limit
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Norton correctional facility — general fees fund.....	No limit
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El Dorado correctional facility — general fees fund.....	No limit
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El Dorado correctional facility — community transition program federal fund.....	No limit
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Larned correctional mental health facility — general fees fund.....	No limit
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(c) During the fiscal year ending June 30, 2006, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2006, from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2006 from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections. The secretary of corrections 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.

(d) Notwithstanding the provisions of K.S.A. 75-3731 and amendments thereto or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim from the local jail payments account of the state general fund during fiscal year 2006 for costs pursuant to subsection (b) of K.S.A. 19-1930 and amendments thereto even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) On July 1, 2005, and on October 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$434,500 from the correctional industries fund to the department of corrections — general fees fund.

(f) On July 1, 2005, the day reporting center state match account of the state general fund of the department of corrections is hereby redesignated as the day reporting center account of the state general fund of the department of corrections.

Sec. 130.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$27,499,381
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.	
Management information systems.....	\$1,129,994
<i>Provided</i> , That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Kansas juvenile correctional complex facility operations.....	\$14,459,727
<i>Provided</i> , That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2005, and any unencumbered balance in the Topeka juvenile correctional facility operations account in excess of \$100 as of June 30, 2005, are hereby reappropriated to the Kansas juvenile correctional complex facility operations account for fiscal year 2006: <i>Provided, however</i> , That expenditures from such reappropriated balance shall not exceed \$288,177 except upon approval of the state finance council: <i>Provided further</i> , That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: <i>And provided further</i> , That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.	
Atchison juvenile correctional facility operations.....	\$5,913,025
<i>Provided</i> , That any unencumbered balance in the Atchison juvenile correctional facility operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: <i>And provided further</i> , That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.	
Beloit juvenile correctional facility operations.....	\$4,463,738
<i>Provided</i> , That any unencumbered balance in the Beloit juvenile correctional facility operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided further</i> , That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: <i>And provided further</i> , That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.	
Larned juvenile correctional facility operations	\$7,761,839
<i>Provided</i> , That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided further</i> , That expenditures may be made from this account for educa-	

tional services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2006, the following:

Prevention program grant \$5,414,487

Provided, That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That all expenditures by the above agency from the prevention program grant account shall be for prevention program grants and evaluation of prevention programs for fiscal year 2006: *Provided further*, That money awarded as grants from this account shall be distributed during fiscal year 2006 on the basis of the average amount of prevention grant awards received for the judicial district during fiscal year 2004 and fiscal year 2005: *And provided further*, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Intervention and graduated sanctions community grants \$3,585,513

Provided, That any unencumbered balance in the intervention and graduated sanctions community grants account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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:

Title XIX fund.....	No limit
Title IV-E fund.....	No limit
Juvenile accountability incentive block grant — federal fund	No limit
Juvenile justice delinquency prevention — federal fund.....	No limit
Juvenile detention facilities fund.....	\$4,000,000
Juvenile justice fee fund — central office	No limit
Juvenile justice federal fund — Atchison juvenile correctional facility....	No limit
Juvenile justice federal fund — Beloit juvenile correctional facility.....	No limit
Juvenile justice federal fund — Larned juvenile correctional facility	No limit
Juvenile justice federal fund — Kansas juvenile correctional complex....	No limit
Juvenile justice federal fund.....	No limit
Kansas juvenile delinquency prevention trust fund	No limit
Going home — federal fund	No limit
Byrne grant — federal fund	No limit
Atchison juvenile correctional facility fee fund.....	No limit
Atchison juvenile correctional facility — elementary and secondary education fund — federal.....	No limit
Beloit juvenile correctional facility fee fund.....	No limit
Beloit juvenile correctional facility — elementary and secondary education fund — federal.....	No limit
Larned juvenile correctional facility fee fund	No limit
Kansas juvenile correctional complex fee fund	No limit
Kansas juvenile correctional complex improvement fund.....	No limit
Kansas juvenile correctional complex — elementary and secondary education fund — federal	No limit

(d) During the fiscal year ending June 30, 2006, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2006, from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation for fiscal year 2006 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management

of the commissioner of juvenile justice. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2006, notwithstanding the provisions of K.S.A. 79-4803 and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2006 for purchase of services.

(f) On July 1, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4803 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$300,000 from the juvenile detention facilities fund to the state general fund: *Provided*, That the amount transferred from the juvenile detention facilities 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 juvenile justice authority by other state agencies which receive appropriations from the state general fund to provide such services.

(g) On July 1, 2005, the director of accounts and reports shall transfer all moneys in the Topeka juvenile correctional facility fee fund of the juvenile justice authority to the Kansas juvenile correctional complex fee fund of the juvenile justice authority. On July 1, 2005, all liabilities of the Topeka juvenile correctional facility fee fund of the juvenile justice authority are hereby transferred to and imposed on the Kansas juvenile correctional complex fee fund of the juvenile justice authority and the Topeka juvenile correctional facility fee fund of the juvenile justice authority is hereby abolished.

(h) On July 1, 2005, the director of accounts and reports shall transfer all moneys in the Topeka juvenile correctional facility — elementary and secondary education fund — federal of the juvenile justice authority to the Kansas juvenile correctional complex — elementary and secondary education fund — federal of the juvenile justice authority. On July 1, 2005, all liabilities of the Topeka juvenile correctional facility — elementary and secondary education fund — federal of the juvenile justice authority are hereby transferred to and imposed on the Kansas juvenile correctional complex — elementary and secondary education fund — federal of the juvenile justice authority and the Topeka juvenile correctional facility — elementary and secondary education fund — federal of the juvenile justice authority is hereby abolished.

(i) On July 1, 2005, the director of accounts and reports shall transfer all moneys in the juvenile justice federal fund — Topeka juvenile correctional facility of the juvenile justice authority to the juvenile justice federal fund — Kansas juvenile correctional complex of the juvenile justice authority. On July 1, 2005, all liabilities of the juvenile justice federal fund — Topeka juvenile correctional facility of the juvenile justice authority are hereby transferred to and imposed on the juvenile justice federal fund — Kansas juvenile correctional complex of the juvenile justice authority and the juvenile justice federal fund — Topeka juvenile correctional facility of the juvenile justice authority is hereby abolished.

(j) On July 1, 2005, the director of accounts and reports shall transfer all moneys in the Topeka juvenile correctional facility improvement fund of the juvenile justice authority to the Kansas juvenile correctional facility improvement fund of the juvenile justice authority. On July 1, 2005, all liabilities of the Topeka juvenile correctional facility improvement fund of the juvenile justice authority are hereby transferred to and imposed on the Kansas juvenile correctional facility improvement fund of the juvenile justice authority and the Topeka juvenile correctional facility improvement fund of the juvenile justice authority is hereby abolished.

(k) On July 1, 2005, the Topeka juvenile correctional facility KSIP account of the state general fund of the juvenile justice authority is hereby redesignated as the Kansas juvenile correctional complex KSIP account of the state general fund of the juvenile justice authority.

(l) No amount of more than \$100,000 may be transferred from one item of appropriation for the fiscal year ending June 30, 2006, from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation

for fiscal year 2006 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice, except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75- 3711c, and amendments thereto.

(m) During the fiscal year ending June 30, 2006, no expenditures shall be made by the juvenile justice authority from any moneys appropriated by this or other appropriation act of the 2006 regular session from the state general fund or any special revenue fund for fiscal year 2006 for the closure of any juvenile correctional facility under the jurisdiction of the juvenile justice authority or for the consolidation of any such juvenile correctional facility with any other such juvenile correctional facility.

Sec. 131.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$4,152,440
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,250.	
Civil air patrol — operating expenditures	\$27,351
Any unencumbered balance in excess of \$100 as of June 30, 2005, in each of the following accounts is hereby reappropriated for fiscal year 2006: Military activation payments; 2002 ice storm disaster relief.	

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Conversion of materials and equipment fund — military division	No limit
Training and support of title III — federal fund.....	No limit
Emergency management — federal fund matching — equipment fund.....	No limit
Emergency management — federal fund matching — administration fund.....	No limit
Emergency management — RADEF instrument — maintenance — federal fund.....	No limit
State disaster coordination — federal fund.....	No limit
Emergency management — nuclear civil protection — federal fund.....	No limit
Payment of death, disability, and medical benefit claims fund	No limit
Expenses under national guard mutual assistance compact fund.....	No limit
Nuclear safety emergency management fee fund	No limit
<i>Provided</i> , That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2006 pursuant to agreements which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act.	
Military fees fund — federal	No limit
<i>Provided</i> , That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the military fees fund — federal.	
Homeland security federal fund.....	No limit
State emergency fund allocation — flood relief fund.....	No limit
Emergency management — fee fund.....	No limit
Armories and units general fees fund.....	No limit

Emergency management — disaster fund — federal fund	No limit
State emergency fund allocation — several disasters fund	No limit
State emergency fund several disasters — summer 2004 fund	No limit
Radioactive materials fund	No limit
Hazardous materials emergency preparedness federal fund	No limit
Civil air patrol — grants and contributions — federal fund	No limit
Emergency management performance grant (EMPG) — federal fund...	No limit
EMPG terrorism consequence management preparedness grant (TCMPA) — federal fund	No limit
NG — federal forfeiture fund	No limit
Inaugural expense fund	No limit
Emergency management indirect cost fee fund	No limit
Kansas military emergency relief fund	No limit

Provided, That expenditures may be made from the Kansas military emergency relief fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Kansas military emergency relief fund.

Emergency management assistance compact federal fund	No limit
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Sec. 132.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund	\$3,264,893
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Provided, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$500.

Other federal grants fund	No limit
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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 2006 other than moneys appropriated by this or other appropriation act of the 2005 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 current or any ensuing fiscal year.

Gifts, grants and donations fund	No limit
Hazardous material program fund	\$426,920
Intragovernmental service fund	No limit
Liquified petroleum gas fee fund	\$151,197
Hazardous materials emergency fund	\$250,000

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2006 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: *Provided, however*, That expenditures from the hazardous materials emer-

gency fund during fiscal year 2006 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session.

(b) On July 1, 2005, and January 1, 2006, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$219,898 from the fire marshal fee fund to the hazardous materials program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2006, the director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2006, and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2006 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2006 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the hazardous materials emergency fund to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2006 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

Sec. 133.

KANSAS PAROLE BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Parole from adult correctional institutions..... \$439,261

Provided, That any unencumbered balance in the parole from adult correctional institutions account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Sec. 134.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$34,239,866

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$3,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund No limit

Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury and credited to the general fees fund all, except as otherwise provided by law: *Provided further*, That all proceeds from the sale of personal sidearms to retiring troopers and other retiring sworn officers of the Kansas highway patrol, which sales upon retirement are hereby authorized, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund: *Provided, however*, That each such sale of a retiring sworn officer's personal sidearm upon retirement shall be for an amount of not less than the replacement cost of the sidearm: *And provided further*, That the Kansas highway patrol is hereby authorized to sell and a trooper or other sworn officer of the Kansas highway patrol who resigns from the Kansas

highway patrol to accept employment with a local, state or federal law enforcement agency is hereby authorized to purchase such trooper or other sworn officer's personal sidearm with a trigger lock upon resignation in the same manner as prescribed in this subsection for retiring troopers and sworn officers of the Kansas highway patrol for the amount equal to the total of the replacement cost of the sidearm plus the cost of the trigger lock: *And provided further*, That no sale of a personal sidearm shall be made to any trooper or sworn officer of the Kansas highway patrol upon resignation unless the superintendent of the Kansas highway patrol determines that the employment record and performance evaluations of each such trooper or sworn officer of the Kansas highway patrol is satisfactory: *And provided further*, That all proceeds from the sale of personal sidearms and trigger locks to such resigning troopers and other sworn officers shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund.

Homeland security — federal fund No limit
 For patrol of Kansas turnpike fund No limit

Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

Highway patrol motor vehicle fund No limit
 Highway patrol — federal fund No limit

Kansas highway patrol state forfeiture fund No limit
 Gifts and donations fund No limit

Federal forfeiture fund No limit
 Motor carrier safety assistance program state fund No limit

Provided, That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

Motor carrier safety assistance program — federal fund No limit

Provided, That expenditures shall be made from the motor carrier safety assistance program — federal fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

COPS grant — federal fund No limit
 Highway patrol training center clearing fund No limit

Provided, That expenditures may be made from the highway patrol training center clearing fund for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further*, That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the highway patrol training center clearing fund.

Highway safety fund No limit
 Capitol area security fund No limit

Vehicle identification number fee fund No limit
 Motor vehicle fuel and storeroom sales fund No limit

Provided, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further*, That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the motor vehicle fuel and storeroom sales fund.

Kansas highway patrol operations fund	\$14,034,381
<i>Provided</i> , That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105 and amendments thereto: <i>Provided further</i> , That expenditures from this fund for official hospitality shall not exceed \$3,000: <i>And provided further</i> , That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.	
Highway patrol training center fund	No limit
Executive aircraft fund	No limit
<i>Provided</i> , That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: <i>Provided further</i> , That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: <i>And provided further</i> , That all fees received for such services shall be credited to the executive aircraft fund.	
1122 program clearing fund	No limit
Special services fund	No limit

(c) On or before the 10th of each month during the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2005, and January 1, 2006, the director of accounts and reports shall transfer \$325,049 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.

(e) On July 1, 2005, October 1, 2005, January 1, 2006, and April 1, 2006, the director of accounts and reports shall transfer \$3,508,595.25 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2006 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2006 for support and maintenance of the Kansas highway patrol.

(f) On July 1, 2005, the director of accounts and reports shall transfer \$150,000 from the state highway fund of the department of transportation to the highway safety fund of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(g) On July 1, 2005, the director of accounts and reports shall transfer \$260,000 from the state highway fund of the department of transportation to the general fees fund of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(h) On March 1, 2006, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-2136 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$1,000,000 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 state highway patrol 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 service and 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.

(i) On July 1, 2005, October 1, 2005, January 1, 2006, and April 1, 2006, the director of accounts and reports shall transfer \$8,079,771.25 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which

expenditures may be made from the state highway fund during fiscal year 2006 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2006 for the support and maintenance of the Kansas highway patrol.

(j) On July 1, 2005, the director of accounts and reports shall transfer all moneys in the motor carrier inspection fund to the Kansas highway patrol operations fund. On July 1, 2005, all liabilities of the motor carrier inspection fund are hereby transferred to and imposed on the Kansas highway patrol operations fund and the motor carrier inspection fund is hereby abolished.

(k) On and after the effective date of this act, during the fiscal year ending June 30, 2005, and during the fiscal year ending June 30, 2006, in addition to the other purposes for which expenditures may be made by the Kansas highway patrol and the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal years 2005 and 2006 by this or other appropriation act of the 2005 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the Kansas highway patrol and the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2005 and fiscal year 2006 to adopt policies and procedures for use by officers and employees of the Kansas highway patrol to facilitate and provide for automatic issuance of purchasing contract waivers or exemptions to permit each troop headquarters to purchase automotive parts and supplies from vendors other than those prescribed in existing purchasing contracts in those cases when vendors prescribed in existing purchasing contracts are not located within the five-digit zip code of the troop headquarters.

Sec. 135.

ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$13,200,171

Provided, That any unencumbered balance in the operating expenditures — salaries and wages account in excess of \$100 as of June 30, 2005, and any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, are hereby reappropriated to the operating expenditures account for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$750.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state forfeiture fund No limit
Kansas bureau of investigation federal forfeiture fund..... No limit
Kansas bureau of investigation federal grants fund No limit

Provided, That the above agency is authorized to make expenditures from the Kansas bureau of investigation federal grants fund of any moneys credited to this fund from any individual federal grant if the grant is less than or equal to \$500,000 in the aggregate and the grant does not require the matching expenditure of any moneys in the state treasury during the current or any ensuing fiscal year, other than moneys appropriated by this or other appropriation act of the 2005 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 \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year not appropriated by this or other appropriation act of the 2005 regular session of the legislature.

High intensity drug trafficking area — federal fund No limit
Private detective fee fund \$74,433
Kansas bureau of investigation motor vehicle fund \$89,544

Provided, That expenditures may be made from the Kansas bureau of investigation motor

vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: *Provided further*, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Kansas bureau of investigation motor vehicle fund.

Forensic laboratory and materials fee fund..... No limit

Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation incurred for laboratory tests conducted for noncriminal justice entities, including governmental agencies and private organizations, which testing activity is hereby authorized: *Provided, however*, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to subsection (a) of K.S.A. 28-176 and amendments thereto shall be for the purposes authorized by subsection (c) of K.S.A. 28-176 and amendments thereto: *Provided further*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees for laboratory tests conducted for such noncriminal justice entities: *And provided further*, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting laboratory tests for such noncriminal justice entities: *And provided further*, That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176 and amendments thereto shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the forensic laboratory and materials fee fund.

KBI general fees fund No limit

Provided, That expenditures may be made from the KBI general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; (4) sale and distribution of crime prevention materials: *Provided further*, That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the KBI general fees fund: *And provided further*, That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the KBI general fees fund: *And provided further*, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the KBI general fees fund: *And provided further*, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the KBI general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

Record check fee fund No limit
Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the record check fee fund: *Provided further*, That expenditures from the record check fee fund may be made only for the expenses of conducting criminal history record checks.

Intergovernmental service fund No limit

(c) On or after July 1, 2005, during fiscal year 2006, upon certification by the director of the budget to the director of accounts and reports, the director of accounts and reports shall transfer \$118,799 from the Kansas bureau of investigation motor vehicle fund to the KBI general fees fund of the Kansas bureau of investigation.

Sec. 136.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options grant fund	No limit
Rural access to emergency devices grant — federal fund	No limit
Emergency medical services operating fund	\$1,067,981

Provided, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the emergency medical services operating fund: *And provided further*, That expenditures from the emergency medical services operating fund for the operating costs of the emergency medical services board shall not exceed \$984,416: *And provided further*, That expenditures from the emergency medical services operating fund shall not exceed \$116,250 to provide additional funding to the regional councils: *And provided further*, That, notwithstanding any provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute to the contrary, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$1,000.

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2006 by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2006 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants, instructor-coordinators and training officers: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants, instructor-coordinators and training officers: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants, instructor-coordinators and training officers who are obtaining a post-secondary education degree: *And provided*

further, That expenditures for such grant program from the board of emergency medical services operating fund for fiscal year 2006 shall not exceed \$200,000.

(c) On July 1, 2005, and June 1, 2006, or as soon after each such date as moneys are available, notwithstanding the provisions of K.S.A. 75-1514 and amendments thereto or of any other statute, the director of accounts and reports shall transfer \$500,000 from the emergency medical services operating fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the emergency medical services operating fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the emergency medical services operating fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the emergency medical services board by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 137.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$549,501
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
Substance abuse treatment programs	\$5,274,400

Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund	No limit
Statistical analysis — federal fund	No limit

Sec. 138.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$10,030,997
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures may be made from this account for expenses incurred in holding the annual meeting; *And provided further*, That expenditures from this account for official hospitality shall not exceed \$5,000: *And provided further*, That the above agency may negotiate and enter into contracts to carry out its functions at the annual meeting; *And provided further*, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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:

Dairy fee fund	No limit
Meat and poultry inspection fee fund	No limit
Wheat quality survey fund	No limit
Entomology fee fund	No limit
Laboratory equipment fund	No limit
Water structures — state highway fund	\$94,570
Soil amendment fee fund	No limit
Agricultural liming materials fee fund	No limit
Weights and measures fee fund	No limit

Water appropriation certification fund.....	\$675,171
Water resources cost fund.....	No limit
<i>Provided</i> , That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of the Kansas water banking act, K.S.A. 2004 Supp. 82a-761 through 82a-773 and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the water resources cost fund.	
Agriculture seed fee fund.....	No limit
Chemigation fee fund.....	No limit
Agriculture statistics fund.....	No limit
Petroleum inspection fee fund.....	No limit
Water transfer hearing fund.....	No limit
Grain commodity commission services fund.....	No limit
Kansas agricultural remediation board fund.....	No limit
Kansas agricultural remediation fund.....	No limit
Warehouse fee fund.....	No limit
U.S. geological survey cooperative gauge agreement grants fund.....	No limit
<i>Provided</i> , That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: <i>Provided further</i> , That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: <i>And provided further</i> , That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.	
Computer services fund.....	No limit
Agricultural chemical fee fund.....	No limit
Feeding stuffs fee fund.....	No limit
Fertilizer fee fund.....	No limit
Plant pest emergency response fund.....	No limit
Pesticide use fee fund.....	No limit
Geographic information system fee fund.....	No limit
Egg fee fund.....	No limit
Fertilizer/pesticide compliance admin fund.....	No limit
Water structures fund.....	\$111,200
Meat and poultry inspection fund — federal.....	No limit
EPA pesticide performance partnership grant fund.....	No limit
FEMA dam safety fund.....	No limit
FEMA dam safety No. 2 fund.....	No limit
FEMA stream mapping fund.....	No limit
Pest detection and survey — federal fund.....	No limit
USDA NASS postage fund.....	No limit
FDA tissue residue fund — federal.....	No limit
Conversion of materials and equipment fund.....	No limit
Speciality crop block grant fund.....	No limit
Publications fee fund.....	No limit
<i>Provided</i> , That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: <i>Provided further</i> , That, notwithstanding the provisions of K.S.A. 75-1005 and amendments thereto to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: <i>And provided further</i> , That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: <i>And provided further</i> , That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non- federal source for the printing, publication and distribution of such materials: <i>And provided further</i> , That all mon-	

... received from such fees or for such grants, gifts, donations or other funds received for such purpose, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the publications fee fund. Other federal grants fund..... 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 \$500,000 in the aggregate, and (2) does not require the matching expenditure of any moneys in the state treasury during fiscal year 2006 other than moneys appropriated by this or other appropriation act of the 2005 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 \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2006, other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature: *Provided further*, That no grant for the farmers' assistance, counseling and training program shall be deposited to the credit of this fund.

Civil litigation fee fund No limit

Provided, That the above agency is authorized to make expenditures from the civil litigation fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: *Provided further*, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales cases, as determined by the secretary of agriculture and the attorney general, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the fund by the attorney general.

Information technology fund No limit

Food safety fund No limit

Provided, That expenditures may be made from the food safety fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512 and amendments thereto to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto, deposited in the state treasury and shall be credited to the food safety fund: *And provided further*, That the secretary of agriculture is hereby authorized to make expenditures from the food safety fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection authority.

Gifts and donations fund No limit

Provided, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the gifts and donations fund.

General fees fund No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: *Provided further*, That the secretary of agriculture is hereby authorized to fix, charge and collect fees in order to recover all or part of the costs incurred for such regulatory program activities and for official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for the regulatory program activity or official hospitality for which such fees are imposed: *And provided further*, That all amounts received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and

shall be credited to the general fees fund: *And provided further*, That the authority to fix, charge and collect such fees shall not authorize the secretary of agriculture to increase or otherwise change any fee authorized or fixed by any other statute or to fix, charge or collect any new or additional fees for any regulatory program of the Kansas department of agriculture for which fees are authorized or fixed by any other statute.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2006, for the water plan project or projects specified, the following:

Floodplain management	\$66,852
Interstate water issues	\$248,859
Subbasin water resources management	\$540,682
Water appropriation subprogram	\$181,749

Provided, That, notwithstanding the provisions of K.S.A. 82a-951 and amendments thereto, all moneys in the water appropriation subprogram account of the state water plan fund shall be expended for salaries and wages, including associated employer contributions.

Water use	\$60,018
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(d) During the fiscal year ending June 30, 2006, the secretary of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2006 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2006 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) On July 1, 2005, the director of accounts and reports shall transfer \$92,277 from the state highway fund of the department of transportation to the water structures — state highway fund of the Kansas department of agriculture.

Sec. 139.

KANSAS ANIMAL HEALTH DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures	\$731,684
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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:

Animal disease control fund	No limit
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Provided, That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.

Animal dealers fee fund	No limit
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Provided, That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300.

Veterinary inspection fee fund	No limit
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Livestock market brand inspection fee fund	No limit
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Livestock brand fee fund	No limit
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Provided, That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.

Livestock brand emergency revolving fund	No limit
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County option brand fee fund	No limit
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Livestock and pseudorabies indemnity fund	No limit
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Legal services fund	No limit
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Provided, That all moneys received by the animal health department from other state agencies pursuant to one or more interagency agreements for the provision of legal services, which agreements are hereby authorized and directed to be entered into, shall be credited

to the legal services fund: *Provided further*, That all expenditures from the legal services fund shall be for contractual legal services to be provided to the animal health department and such other state agencies pursuant to such interagency agreements.

Disease control fund — federal No limit
 Sec. 140.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund No limit
Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.
 State fair federal transfer fund No limit
 State fair special cash fund No limit
 State fair debt service special revenue fund No limit

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

State fair debt service \$1,550,044
 Sec. 141.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$606,864
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, 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:

Agency motor pool fund No limit
 Land reclamation fee fund No limit
 Riparian & wetland areas project — federal fund No limit
 Watershed protect approach/WTR RSRCE MGT fund No limit
 Conversion of materials and equipment fund No limit
 Buffer participation incentive fund No limit
 Riparian participation incentive fund No limit
 NRCS contribution agreement 2002 farm bill — federal fund No limit
 Environmental improvement incentives fund No limit
 Irrigation transition assistance program federal fund No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2006, for the following water plan project or projects specified, the following:

Land treatment cost share \$3,495,218

Provided, That any unencumbered balance in the land treatment cost share account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures from the land treatment cost share account shall be for cost-sharing grants for construction of enduring water conservation structures on privately and publicly owned land in conservation districts which are needed for development and improvement of the quality and quantity of Kansas water resources: *And provided further*, That an amount of not to exceed \$2,720,000 of the initial allocation among conservation districts for such grants for fiscal year 2006 shall be on the basis of allocating 60% of the amount equally among all conservation districts and allocating 40% of the amount to be initially allocated proportionally among all conservation districts on the basis of an index composed of the measurement of nonfederal rural acreage, erosion potential and rainfall in all conservation districts, as determined by the state conservation commission: *And provided further*, That the balance

of the initial allocation for such grants for fiscal year 2006 shall be allocated to conservation districts on a priority basis, as determined by the state conservation commission and the provisions of the state water plan: *And provided further*, That expenditures from this account for contractual technical expertise shall not exceed the amount equal to 6% of the approved budget amount for fiscal year 2006 for the land treatment cost share programs account.

Nonpoint source pollution assistance \$2,799,520

Provided, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Conservation district aid \$1,044,000

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

Watershed dam construction \$352,499

Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the state conservation commission: *Provided, however*, That expenditures from this account for such engineering contracts for watershed planning shall not exceed \$50,000.

Kansas water quality buffer initiatives \$307,157

Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided further*, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices under the governor's water quality initiative: *And provided further*, That such expenditures may be made from this account from the approved budget amount for fiscal year 2006 in accordance with contracts, which are hereby authorized to be entered into by the executive director of the state conservation commission on behalf of the commission, for such grants or incentives: *Provided, however*, That expenditures from this account for contractual educational and technical assistance for fiscal year 2006 shall not exceed \$40,000.

Riparian and wetland program \$249,782

Provided, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(d) During the fiscal year ending June 30, 2006, the executive director of the state conservation commission, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2006 from the state water plan fund for the state conservation commission to another item of appropriation for fiscal year 2006 from the state water plan fund for the state conservation commission: *Provided*, That the executive director of the state conservation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) On July 1, 2005, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$150,000 from the wildlife fee fund of the department of wildlife and parks to the buffer participation incentive fund of the state conservation commission.

(f) On July 1, 2005, the director of accounts and reports shall transfer all moneys in the Kansas natural resource legacy alliance fund to the state general fund and all liabilities of the Kansas natural resource legacy alliance fund are hereby transferred to and imposed on the state general fund and the Kansas natural resource legacy alliance fund is hereby abolished.

Sec. 142.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Water resources operating expenditures \$1,377,312

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall not exceed

\$9,340 except upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$250.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Conversion of materials and equipment fund	No limit
Local water project match fund	No limit

Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the local water project match fund: *Provided further*, That all moneys credited to this fund shall be used to match state funds for water projects using federal cost-share funds.

Water supply storage assurance fund	No limit
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Provided, That any moneys deposited to the credit of the water supply storage assurance fund which are received from a water assurance district shall be credited to a separate subaccount: *Provided further*, That moneys in such subaccounts may be transferred to the water marketing fund for (1) payment to the federal government of annual capital costs of water supply storage in federal reservoirs under the water assurance program act, (2) payment and reimbursement to the water marketing fund for water supply storage space previously paid for with revenue from the water marketing fund, if such storage space has been transferred to the water assurance program, (3) payment to the federal government of annual operation, maintenance and repair costs associated with the water supply storage space dedicated for the use of water assurance districts, and (4) payment and reimbursement to the water marketing fund and the state general fund for costs incurred by the state for the administration and enforcement of applicable state laws governing the operations and management of the water assurance program as provided in contracts with water assurance districts: *And provided further*, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2006, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 *et seq.*, and amendments thereto, to supply water to users which is not held under contract in such reservoirs.

State conservation storage water supply fund	\$0
Water marketing fund	No limit
Federal grants and receipts fund	No limit
General fees fund	No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: *Provided further*, That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: *And provided further*, That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund.

Water conservation projects fund	\$0
Water plan projects fund	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2006, for the state water plan project or projects specified, the following:

Assessment and evaluation	\$650,602
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Provided, That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

GIS data base development	\$247,405
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Provided, That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

MOU — storage operations and maintenance	\$409,132
<i>Provided</i> , That any unencumbered balance in the MOU — storage operations and maintenance account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	
PMIB loan payment for storage.....	\$237,945
Stream gaging program	\$392,296
Technical assistance to water users	\$246,150
Water planning process	\$313,205
Water resource education	\$60,000
Weather modification program.....	\$120,000
Kansas water authority.....	\$37,384
Any unencumbered balance in the federal cost-share programs account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.	

(d) During the fiscal year ending June 30, 2006, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2006 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2006 from the state water plan fund for the Kansas water office: *Provided, however*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office from the state water plan fund to the water plan projects fund of the Kansas water office, except that such transfers shall only be made upon the approval of the director of the budget. The director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research department.

(f) During the fiscal year ending June 30, 2006, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. No such loan shall be made unless the terms thereof have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of the legislative research department. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(g) During the fiscal year ending June 30, 2006, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money

investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(h) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2006, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act and amendments thereto and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

(i) On or before July 1, 2006, the director of the Kansas water office shall certify to the director of accounts and reports the amount equal to the aggregate amount of all of the unencumbered balances as of July 1, 2006, or as soon thereafter as moneys are available in each account of the state water plan fund of the department of health and environment, university of Kansas, Kansas department of agriculture, state conservation commission or Kansas water office which is not specifically appropriated or reappropriated for the fiscal year ending June 30, 2007. Upon making such certification to the director of accounts and reports, the director of the Kansas water office shall transmit a copy of such certification to the director of the budget and to the director of the legislative research department. On July 1, 2006, the director of the Kansas water office shall determine and certify to the director of accounts and reports the amount required to be transferred under this subsection from the state water plan fund to the water storage escrow fund to provide for the water storage unfunded liability obligation. Upon receipt of such certification by the director of the Kansas water office, the director of accounts and reports shall transfer the amount certified from the state water plan fund to the water storage escrow fund of the Kansas water office. Upon making such certification to the director of accounts and reports, the director of the Kansas water office shall transmit a copy of such certification to the director of the budget and to the director of the legislative research department. The amount transferred from the state water plan fund to the water storage escrow fund on or after July 1, 2006, under this subsection shall not exceed the amount equal to the aggregate amount of all of the unencumbered balances as of July 1, 2006, in each account of the state water plan fund as certified by the director of the Kansas water office to the director of accounts and reports under this subsection.

(j) On the effective date of this act, the stream gauging program account of the state water plan fund of the Kansas water office is hereby redesignated as the stream gaging program account of the state water plan fund of the Kansas water office.

Sec. 143.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated from the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operating expenditures \$2,541,365

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Reimbursement for annual licenses issued to national guard members... \$60,000

Provided, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2006 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without

charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses: *Provided, however*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: *Provided further*, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Reimbursement for annual park permits issued to national guard members..... \$206,000

Provided, That all moneys in the reimbursement for annual park vehicle permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2006 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park vehicle permits issued to national guard members account to pay the parks fee fund for such permits: *Provided, however*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account: *Provided further*, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund \$18,392,724

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2006 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2006: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Parks fee fund..... \$6,235,724

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2006 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2006: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund \$690,710

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2006 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2006: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Central aircraft fund No limit

Provided, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance: *Provided further*, That the secretary of wildlife and parks is hereby authorized to fix, charge

and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to the central aircraft fund.

Wildlife and parks nonrestricted fund No limit
Provided, That all moneys received under K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173 and amendments thereto, other than moneys restricted by K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173 and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the wildlife and parks nonrestricted fund: *Provided further*, That expenditures from this fund may be made for federal aid eligible expenditures at the discretion of the secretary of wildlife and parks.

Prairie spirit rails-to-trails fee fund No limit
 Nongame wildlife improvement fund No limit
 Nongame wildlife improvement fund — federal No limit
 Wildlife conservation fund No limit
 Federally licensed wildlife areas fund No limit
 State agricultural production fund No limit
 Land and water conservation fund — state No limit
 Land and water conservation fund — local No limit
 Development and promotions fund No limit
 Department of wildlife and parks private gifts and donations fund No limit
 Fish and wildlife restitution fund No limit
 Parks restitution fund No limit
 Nonfederal grants fund No limit
 Other federal grants fund No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2006 other than moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: *Provided further*, That, subject to the provisions of the other provisos prescribing guidelines for authority to make expenditures from the other federal grants fund, expenditures may be made from the other federal grants fund for capital improvements.

Suspense fund No limit
 Employee maintenance deduction clearing fund No limit
 Cabin revenue fund No limit
 Wildlife conservation fund — federal No limit
 Boating fund — federal No limit
 Wildlife fund — federal No limit
 Feed the hungry fund No limit

(c) In addition to the other purposes for which expenditures may be made by the department of wildlife and parks from the moneys appropriated in the parks fee fund for fiscal year 2006 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made from the parks fee fund for fiscal year 2006 for operating expenditures and capital improvement projects for the purposes of maintaining and repairing the Prairie Spirit rail trail in Allen, Anderson and Franklin counties, including, but not limited to, the expenses of operating of park equipment by employees of the department of wildlife and parks that are assigned to the state park system.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2006, the following:

Stream monitoring \$40,000

Sec. 144. During the fiscal year ending June 30, 2006, no moneys appropriated from the

state general fund or any special revenue fund shall be expended by any state agency named in this or other appropriation act of the 2005 regular session of the legislature for the purchase or other acquisition of any seed, forage or mulch that is not certified by the Kansas department of agriculture in accordance with a memorandum of understanding entered into by the Kansas department of agriculture and the North American weed management association that such seed, forage or mulch meets the standards set forth in the North American weed management forage program: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department of agriculture from moneys appropriated by this or other appropriation act of the 2005 regular session of the legislature from the state general fund or any special revenue funds for fiscal year 2006, expenditures shall be made by the Kansas department of agriculture to provide for staff members of the Kansas department of agriculture, who are qualified to certify seed, forage and mulch to meet any additional or supplemental certification requirements of state agencies, to assist any such additional or supplemental certifications as may be required by any other state agency.

Sec. 145.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund.....	No limit
<i>Provided</i> , That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.	
Special city and county highway fund.....	No limit
County equalization and adjustment fund.....	\$2,500,000
Highway special permits fund.....	No limit
Highway bond debt service fund.....	No limit
Rail service improvement fund.....	No limit
Transportation revolving fund.....	No limit
Rail service assistance program loan guarantee fund.....	No limit
Railroad rehabilitation loan guarantee fund.....	No limit
<i>Provided</i> , That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount which the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2005, in satisfaction of liabilities arising from the unconditional guarantee of payment which was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420 and amendments thereto and guaranteed pursuant to K.S.A. 75-5031 and amendments thereto.	
Interagency motor vehicle fuel sales fund.....	No limit
<i>Provided</i> , That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: <i>Provided further</i> , That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: <i>And provided further</i> , That all fees received for such sales of motor vehicle fuel shall be credited to the interagency motor vehicle fuel sales fund.	
Coordinated public transportation assistance fund.....	No limit
Public use general aviation airport development fund.....	No limit
Highway bond proceeds fund.....	No limit
Communication system revolving fund.....	No limit
Other federal grants fund.....	No limit
<i>Provided</i> , That no moneys received by the department of transportation that are highway trust funds or moneys that are received by the department of transportation under federal grants received on an ongoing basis shall be credited to the other federal grants fund.	

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2006, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2006 other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Agency operations.....	\$245,174,432
<i>Provided</i> , That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$3,000: <i>Provided, however</i> , That expenditures may be made from this account for state aircraft insurance: <i>Provided further</i> , That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e and amendments thereto.	
Conference fees.....	No limit
<i>Provided</i> , That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: <i>Provided further</i> , That such fees shall be deposited in the state treasury and credited to the conference fees account of the state highway fund: <i>And provided further</i> , That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.	
Substantial maintenance.....	No limit
Claims.....	No limit
Payments for city connecting links.....	\$3,360,000
Federal local aid programs.....	No limit
Pre-1992 bond services fees.....	No limit
Construction, remodeling and special maintenance projects for buildings.....	\$0

Provided, That expenditures may be made from the construction, remodeling and special maintenance projects for buildings account of the state highway fund of amounts in unexpended balances as of June 30, 2005, in capital improvement project accounts of projects approved for prior fiscal years: *Provided further*, That expenditures from this account of amounts in such unexpended balances shall be in addition to any expenditure limitation imposed on this account for fiscal year 2006.

Other capital improvements..... No limit
Provided, That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings — rehabilitation and repair.....	\$2,521,032
Buildings — reroofing.....	\$487,250
Buildings — equipment storage sheds.....	\$305,002
Buildings — renovate Emporia construction office.....	\$45,000
Buildings — district two window replacement.....	\$85,000
Buildings — tuck-point El Dorado area office.....	\$110,450

(d) During the fiscal year ending June 30, 2006, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2006 from the state highway fund for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2006 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department.

(e) On April 1, 2006, the director of accounts and reports shall transfer from the motor pool service fund of the department of administration to the state highway fund of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611 and amendments thereto.

(f) During the fiscal year ending June 30, 2006, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund, the director of accounts and reports shall transfer from the state highway fund to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any transfer of money or payment for services during the fiscal year ending June 30, 2006, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for the fiscal year ending June 30, 2006.

(h) For the fiscal year ending June 30, 2006, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717 and amendments thereto additional documents that present the revenues, transfers, and expenditures that are considered to be in support of the comprehensive transportation program authorized by K.S.A. 68-2314a *et seq.*, and amendments thereto: *Provided*, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.

(i) *Kansas savings incentive program.* (1) In addition to other expenditures authorized by law, expenditures may be made from the agency operations account of the state highway fund appropriated by this act for the fiscal year ending June 30, 2006, by the department of transportation for the following purposes: (A) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2004 Supp. 75-37,105 and amendments thereto, (B) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2006 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (C) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for fiscal year 2006 shall be in addition to any expenditure limitation imposed on the agency operations account of the state highway fund for fiscal year 2006: *Provided, however*, That the total amount of such expenditures from the agency operations account of the state highway fund for fiscal year 2006 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from the agency operations account of the state highway fund for fiscal year 2005 for agency operations, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during fiscal year 2006 under this subsection shall not exceed \$3,500: *And provided further*, That the total amount of any salary bonus payments to any individual employee during fiscal year 2006 pursuant to subsection (g)(1)(A) of K.S.A. 2004 Supp. 75-37,105 and amendments thereto shall not exceed \$3,500: *And provided further*, That the provisions of this subsection (i)(1) shall apply only to: (A) That portion of the moneys in the agency operations account of the state highway fund from which expenditures may be made for agency operations, and (B) shall not include that portion of moneys which may be expended for other operating expenses in the regular maintenance subprogram.

(2) Any unencumbered balance in excess of \$100 as of June 30, 2005, in any account of any special revenue fund of the department of transportation, which was appropriated by subsection (g)(2) of section 136 of chapter 123 of the 2004 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2005 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2006, for the purposes authorized in subsection (i)(1) of this section. All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for the fiscal year ending June 30, 2006.

(3) No salary bonus payment paid pursuant to this subsection (i) during fiscal year 2006 shall be compensation, within the meaning of K.S.A. 74-4901 *et seq.*, and amendments

thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

(j) On and after the effective date of this act, during the fiscal year ending June 30, 2005, and during the fiscal year ending June 30, 2006, in addition to the other purposes for which expenditures may be made by the department of transportation and the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal years 2005 and 2006 by this or other appropriation act of the 2005 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the department of transportation and the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2005 and fiscal year 2006 to adopt policies and procedures for use by officers and employees of the department of transportation to facilitate and provide for automatic issuance of purchasing contract waivers or exemptions to permit each subarea shop of the department of transportation to purchase automotive parts and supplies from vendors other than those prescribed in existing purchasing contracts in those cases when vendors prescribed in existing purchasing contracts are not located within the five-digit zip code of the subarea shop.

Sec. 146. *Position limitations.* (a) The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2006, made in this or other appropriation act of the 2005 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council or pursuant to subsection (b):

Attorney General.....	94.50
Secretary of State.....	54.00
State Treasurer.....	55.50
Insurance Department.....	146.70
<i>Provided, That any attorney positions established in the insurance department for the purpose of defense of the workers compensation fund shall be in addition to any limitation imposed on the full-time and regular part-time equivalent number of positions, excluding seasonal and temporary positions, paid from appropriations made for fiscal year 2006 for the department of insurance.</i>	
Department of Commerce.....	389.10
Health Care Stabilization Fund Board of Governors.....	16.00
Judicial Council.....	4.00
Kansas Human Rights Commission.....	36.00
State Corporation Commission.....	214.00
Citizens' Utility Ratepayer Board.....	6.00
Department of Administration.....	802.60
State Board of Tax Appeals.....	26.00
Department of Revenue.....	1,146.00
Kansas Lottery.....	87.00
Kansas Racing and Gaming Commission — state racing operations.....	43.00
Kansas Racing and Gaming Commission — state gaming agency.....	24.00
Department of Labor.....	634.23
Kansas Commission on Veterans Affairs.....	557.80
Department of Health and Environment — Division of Health.....	418.00
Department of Health and Environment — Division of Environment...	464.00
Department on Aging.....	208.00
Department of Social and Rehabilitation Services.....	3,981.50
Kansas Neurological Institute.....	588.20
Larned State Hospital.....	798.20
Osawatomie State Hospital.....	398.60
Parsons State Hospital and Training Center.....	467.20
Rainbow Mental Health Facility.....	115.20

Kansas, Inc.	4.50
Kansas Guardianship Program	12.00
State Library	27.00
Kansas Arts Commission	8.00
Kansas State School for the Blind.....	93.50
Kansas State School for the Deaf	173.50
State Historical Society	134.00
State Board of Regents	56.50
Department of Corrections.....	3,103.20
Juvenile Justice Authority.....	675.20
Adjutant General	215.00
State Fire Marshal	51.00
Kansas Parole Board	3.00
Kansas Highway Patrol	826.07
Attorney General — Kansas Bureau of Investigation	207.00
Emergency Medical Services Board	14.00
Kansas Sentencing Commission.....	7.00
Kansas Department of Agriculture.....	302.50
Kansas Animal Health Department.....	33.00
State Fair Board	23.00
State Conservation Commission.....	14.00
Kansas Water Office	22.50
Department of Wildlife and Parks	406.50
Department of Transportation	3,237.50

(b) During the fiscal year ending June 30, 2006, the secretary of social and rehabilitation services may increase the position limitation for the department of social and rehabilitation services or for any institution or facility under the general supervision and management of the secretary of social and rehabilitation services by making a corresponding decrease in the position limitation for either the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such increase and corresponding decrease to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

(c) During the fiscal year ending June 30, 2006, any full-time and regular part-time positions of the Kansas highway patrol that are for capitol area police officers and capitol area security guards, that are assigned to security for state-owned and controlled properties shall be in addition to any limitation 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 Kansas highway patrol for fiscal year 2006, made in this or other appropriation act of the 2005 regular session of the legislature.

(d) During the fiscal year ending June 30, 2006, the secretary of social and rehabilitation services may authorize the total number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, for the department of social and rehabilitation services that are paid from appropriations for department of social and rehabilitation services for fiscal year 2006 made in this or other appropriation act of the 2005 regular session of the legislature, to temporarily exceed the limitation on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, established for fiscal year 2006 for the department of social and rehabilitation services so long as the total number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, for the department of social and rehabilitation services does not exceed such limitation as of June 30, 2005. The secretary of social and rehabilitation services shall certify each such authorization to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

(e) During the fiscal year ending June 30, 2006, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified

permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general — Kansas bureau of investigation for fiscal year 2006 made in this or other appropriation act of the 2005 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2006 for the attorney general — Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

Sec. 147. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made from any account of the state general fund reappropriated by this act for the fiscal year ending June 30, 2006, for any state agency named in this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2004 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2006 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided, however,* That the total of all such expenditures from such account of the state general fund for fiscal year 2006 shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of June 30, 2005, in such account of the state general fund that is reappropriated for fiscal year 2006 and that is in excess of the amount authorized to be expended for fiscal year 2006 from such reappropriated balance, as determined by the director of accounts and reports: *Provided further,* That the total cost of all such non-monetary awards to any individual employee during fiscal year 2006 that are paid under this subsection plus any amount paid for such awards under subsection (b) shall not exceed \$3,500: *And provided further,* That the total amount of any salary bonus payments to any individual employee pursuant to subsection (g)(1)(A) of K.S.A. 2004 Supp. 75-37,105 and amendments thereto during fiscal year 2006 that are paid under subsection (b) or this subsection shall not exceed \$3,500: *And provided further,* That the provisions of this subsection shall apply only to that portion of any such account from which expenditures may be made for state operations: *And provided further,* That all such expenditures from the reappropriated balance in any such account for the fiscal year 2006 shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for fiscal year 2006.

(b) In addition to other expenditures authorized by law, expenditures may be made from any special revenue fund appropriated by this act for the fiscal year ending June 30, 2006, for a state agency named in this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2004 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2006 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided,* That all such expenditures from such fund for fiscal year 2006 shall be in addition to any expenditure limitation imposed on such fund or any account thereof for fiscal year 2006: *Provided, however,* That the total amount of such expenditures from such fund for fiscal year 2006 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for fiscal year 2005 for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further,* That the total cost of all such non-monetary awards to any individual employee during fiscal year 2006 that are paid under this subsection plus any amount paid for such awards under subsection (a) shall not exceed \$3,500: *And provided further,* That the total amount of any such salary bonus payments to any individual employee pursuant to subsection (g)(1)(A) of K.S.A. 2004 Supp. 75-37,105 and amendments thereto during fiscal year 2006 that are paid under subsection (a) or this subsection shall not exceed \$3,500: *And provided further,* That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion

expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) (1) Any unencumbered balance in excess of \$100 as of June 30, 2005, in any account of the state general fund of any state agency named in this act, which was reappropriated by subsection (c)(1) of section 138 of chapter 123 of the 2004 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2005 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2006, and may be expended for the purposes authorized in subsection (a).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2005, in any account of any special revenue fund of any state agency named in this act, which was appropriated by subsection (c)(2) of section 138 of chapter 123 of the 2004 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2005 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2006, and may be expended for the purposes authorized or specified in subsection (b). All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for fiscal year 2006.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2006 shall be compensation, within the meaning of K.S.A. 74-4901 *et seq.*, and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

(e) The provisions of this section shall not apply to any state agency named in section 79 of this act or to the department of transportation.

Sec. 148. (a) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2005 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 to provide a military pay differential for officers or employees of the state agency who are called or have been called to active military duty on or after September 11, 2001: Provided, however, That all such expenditures shall be made in accordance with and subject to the procedures, guidelines, limitations and restrictions, including the eligibility conditions, prescribed in executive directive no. 05-356.

(b) As used in this section, "state agency" means any state agency in the executive branch, legislative branch or judicial branch of state government.

Sec. 149. (a) In addition to the other purposes for which expenditures may be made by the governor's department from the governor's department account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the governor's department from the governor's department account of the state general fund for fiscal year 2006:

(1) For an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,944.11 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and

(2) for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,992.81 per biweekly pay period for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made in the same manner and at the same times that biweekly compensation

is payable to the governor for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(b) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2006:

(1) For an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,115.58 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and

(2) for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,129.36 per biweekly pay period for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2006, expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for fiscal year 2006:

(1) For an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,063.99 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and

(2) for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,101.81 per biweekly pay period for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (c) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2006:

(1) For an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,523.50 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and

(2) for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,567.00 per biweekly pay period for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (d) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from one or more special revenue funds for the fiscal year ending June 30, 2006,

expenditures shall be made by the state treasurer from one or more special revenue funds for fiscal year 2006:

(1) For an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,063.99 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and

(2) for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,101.81 per biweekly pay period for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (e) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(f) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 2006, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2006:

(1) For an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,063.99 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and

(2) for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,101.81 per biweekly pay period for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (f) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2006, expenditures shall be made by each state agency from the appropriations made for fiscal year 2006:

(A) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$82.12 per calendar day for each member of a board for any calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2006, and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of a board for any calendar day occurring on or after December 4, 2005, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (g) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, is payable and which are chargeable to fiscal year 2006.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2006, by this act or any other appropriation act of the 2005 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing June 5, 2005, and ending June 30, 2006, expenditures shall be made by the Kansas turnpike authority for such period:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$82.12 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after December 4, 2005, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (h) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, and prior to July 1, 2006, is payable by the Kansas turnpike authority.

(i) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2006:

(1) (A) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$82.12 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after June 5, 2005, and before December 4, 2005; and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after December 4, 2005, which is chargeable to fiscal year 2006; and

(2) (A) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$82.12 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2006; and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after December 4, 2005, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (i) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, is payable and which are chargeable to fiscal year 2006.

(j) (1) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2006 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, an aggregate amount of allowance (A) of \$328.05 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2006 and for each of the 14 ensuing two-week periods thereafter, and (B) of \$332.10 for the two-week period which coincides with the biweekly payroll period which includes April 1, 2006, which is chargeable to fiscal year 2006 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2006, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (j)(1) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (j)(1) and which are chargeable to fiscal year 2006.

(2) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2007, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2007 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, an aggregate amount of allowance of \$332.10, except as otherwise provided in this subsection (j)(2), for (A) the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2007 and for each of the 14 ensuing two-week periods thereafter, and (B) for the two-week period which coincides with the biweekly payroll period which includes April 1, 2007, which is chargeable to fiscal year 2007 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2007, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That, if the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for the payroll periods chargeable to the fiscal year ending June 30, 2007, then the aggregate amount of allowance payable under this subsection (j)(2) for the two-week period which coincides with the first biweekly pay period that such increase is effective and each of the two-week periods thereafter, which are chargeable to fiscal year 2007 and for which such allowance is payable under this subsection (j)(2), shall be increased by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the aggregate amount of allowance otherwise payable under

this subsection (j)(2): *Provided further*, That all expenditures under this subsection (j)(2) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (j)(2) and which are chargeable to fiscal year 2007.

(k) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2006 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows:

(1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide (A) an aggregate amount of \$500.16 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and (B) an aggregate amount of \$506.34 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006;

(2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$255.28 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and (B) an aggregate amount of \$258.43 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006;

(3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide (A) an aggregate amount of \$402.23 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and (B) an aggregate amount of \$407.19 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006;

(4) for the majority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$451.23 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and (B) an aggregate amount of \$456.80 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006; and

(5) for the minority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$451.23 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, and ending before December 4, 2005, and (B) an aggregate amount of \$456.80 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that biweekly compensation

is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(l) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council — operations account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the legislative coordinating council from the legislative coordinating council — operations account of the state general fund for fiscal year 2006 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (1) an aggregate amount of compensation of \$82.12 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (2) an aggregate amount of compensation of \$83.14 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after December 4, 2005, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(m) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year 2006:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$82.12 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$83.14 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after December 4, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2006; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$82.12 per calendar day for each member of the contract audit committee for any calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$83.14 per calendar day for each member of the contract audit committee for any calendar day occurring on or after December 4, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at

the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2006; *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(n) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2006:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$82.12 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$83.14 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after December 4, 2005, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2006; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$82.12 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and (B) an aggregate amount of compensation of \$83.14 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after December 4, 2005, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and is chargeable to fiscal year 2006; *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, is payable and which are chargeable to fiscal year 2006.

(o) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2006, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2006 for:

(1) an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$82.12 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after June 5, 2005, and before December 4, 2005, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and

amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto; and

(2) an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after December 4, 2005, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (o) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, is payable and which are chargeable to fiscal year 2006.

(p) In accordance with appropriations for the fiscal year ending June 30, 2006, made by this or other appropriation act of the 2005 regular session of the legislature, the governor is hereby authorized and directed to modify the pay plan for fiscal year 2006 in accordance with this subsection (p) and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2005 shall be modified to provide (1) for an increase of 1.25% in the pay rates of such pay plan for each biweekly payroll period commencing on or after June 5, 2005, and ending before December 4, 2005, which is chargeable to fiscal year 2006, and (2) for an additional increase of 1.25% in the pay rates of such pay plan for each biweekly payroll period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006. The pay plan adopted by the governor under this subsection (p) shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2006. Such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto and to any enactment of the legislature applicable thereto.

(q) In addition to the other purposes for which expenditures may be made by state agencies from one or more accounts of the state general fund and one or more special revenue funds in accordance with appropriations for the fiscal year ending June 30, 2006, made by this or other appropriation act of the 2005 regular session of the legislature for additional amounts of compensation for state officers and employees in accordance with the following:

(1) The governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases, to be effective on the first day of the first payroll period which commences on or after June 5, 2005, and which is chargeable to the fiscal year ending on June 30, 2006, for which the base salary increase is authorized in accordance with this subsection (q)(1), and to be distributed from a salary increase pool: *Provided*, That (A) for each biweekly payroll period commencing on or after June 5, 2005, and ending before December 4, 2005, which is chargeable to fiscal year 2006, the average of such increases shall not exceed 1.25% of the base salaries of such officers and employees, and (B) for each biweekly payroll period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006, the average of such increases shall not exceed an additional 1.25% of the base salaries of such officers and employees; and

(2) each elected state official of the executive branch of state government, including the state board of education, and the board of directors of the Kansas technology enterprise corporation, Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official, corporation or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official, corporation or board, who are in the unclassified

service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which commences on or after June 5, 2005, and which is chargeable to the fiscal year ending June 30, 2006, for which the base salary increase is authorized in accordance with this subsection (q)(2), and to be distributed from a salary increase pool: *Provided*, That (A) for each biweekly payroll period commencing on or after June 5, 2005, and ending before December 4, 2005, which is chargeable to fiscal year 2006, the average of such increases shall not exceed 1.25% of the base salaries of such officers and employees of such official, corporation or board, and (B) for each biweekly payroll period commencing on or after December 4, 2005, which is chargeable to fiscal year 2006, the average of such increases shall not exceed an additional 1.25% of the base salaries of such officers and employees of such official, corporation or board. The provisions of this subsection (q)(2) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, or attorney general, or for any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

Sec. 150. (a) On July 1, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer the amount in each special revenue fund of each state agency in state government that is appropriated for the fiscal year ending June 30, 2006, by this or other appropriation act of the 2005 regular session of the legislature, and that is determined by the director of the budget as the aggregate amount of money in such special revenue fund representing the reduced expenditures in the amounts budgeted for salaries and wages and associated employer payroll contributions that are no longer required for that purpose and certified by the director of the budget to the director of accounts and reports, from such special revenue fund to the state general fund: *Provided*, That, in making each such certification, the director of the budget shall take into account the maximum prescribed by subsection (b), the approved budget for fiscal year 2006 and such other factors, limitations and considerations as are deemed applicable or appropriate by the director of the budget with respect to the particular special revenue fund and the state agency that is involved: *Provided further*, That, at the same time that each such 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: *And provided further*, That the amount transferred from each such special revenue fund to the state general fund pursuant to this subsection (a) is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) The aggregate of all of the amounts transferred from all such special revenue funds of state agencies in state government to the state general fund pursuant to subsection (a), shall not exceed \$7,800,000.

(c) The provisions of this section shall not apply to: (1) The health care stabilization fund of the health care stabilization fund board of governors; (2) any moneys held in trust in a trust fund or any other special revenue fund of any state agency; or (3) any moneys received from any agency or authority of the federal government or from any other federal source.

Sec. 151. Notwithstanding the provisions of K.S.A. 77-151 and K.S.A. 2004 Supp. 77-138 and 77-165, and amendments thereto, no state agency shall make expenditures for fiscal year 2006 to provide and deliver a full set of hardbound Kansas Statutes Annotated to each member of the legislature for the 2006 regular session: *Provided, however*, That new members of the legislature and any member of the legislature who requests a set from the secretary of state on or before July 1, 2005, shall be entitled to receive one full set of hardbound Kansas Statutes Annotated, including any reissued hardbound volumes and one set of Kansas Statutes Annotated supplements, and expenditures shall be made for fiscal year 2006 to provide and deliver a full set of hardbound Kansas Statutes Annotated to each new member and any requesting member of the legislature, including any reissued hardbound volumes and one set of Kansas Statutes Annotated supplements: *Provided further*,

That expenditures shall be made for fiscal year 2006 to provide and deliver to each returning member of the legislature one set of Kansas Statutes Annotated supplements and any re-issued hardbound volumes for the 2006 regular session subject to the provisions of this section.

Sec. 152.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund No limit

(b) On or before the 10th of each month during the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 153.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects..... \$1,406,300

Provided, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 2006 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto, for projects approved by the secretary of social and rehabilitation services: *Provided further*, That expenditures also may be made from this account during fiscal year 2006 for the purposes of rehabilitation and repair for facilities of the department of social and rehabilitation services other than any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto.

Debt service — new state security hospital \$3,200,587

Debt service — state hospitals rehabilitation and repair..... \$1,830,225

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2006, expenditures may be made by the above agency from the other state fees fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair \$300,000

Provided, That expenditures from the area office rehabilitation and repair account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 2006.

Sec. 154.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects..... \$188,064

Sec. 155.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified, the following:

Dorm renovation..... \$805,190

Rehabilitation and repair projects..... \$180,000

Key card entry system \$108,000

Sec. 156.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Rehabilitation and repair projects \$125,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

(b) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Historical society capital improvements fund No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the general fees fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the general fees fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Capital improvements No limit

Provided, That all expenditures from each such capital improvement account of the general fees fund shall be in addition to any expenditure limitation imposed on the general fees fund for fiscal year 2006.

Sec. 157.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance building principal and interest payment fund..... No limit

Insurance department rehabilitation and repair fund..... No limit

Sec. 158.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities..... \$200,000

Provided, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Judicial center improvements — debt service..... \$100,360

Statehouse improvements — debt service..... \$8,451,285

Energy conservation improvements — debt service \$1,043,516

Judicial center rehabilitation and repair \$100,000

Provided, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006.

Memorial hall passive accessible entrance \$200,000

Topeka state hospital cemetery memorial \$50,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund No limit

State facilities gift fund No limit

Master lease program fund No limit

State buildings depreciation fund \$0

Executive mansion gifts fund..... No limit

Topeka state hospital cemetery memorial gift fund..... No limit

(c) On the effective date of this act, any unencumbered balance in each of the following capital improvement accounts of the state budget stabilization fund is hereby lapsed: Judicial

center improvements; rehabilitation and repair for state facilities; judicial center rehabilitation and repair.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Motor pool shop — debt service	No limit
Paint and grounds shop — debt service	No limit
Parking improvements and repair	\$95,000

(e) In addition to the other purposes for which expenditures may be made from the building and ground fund for fiscal year 2006, expenditures may be made by the above agency from the building and ground fund for fiscal year 2006 from any unencumbered balance as of June 30, 2005, in each of the following capital improvement accounts of the building and ground fund: Parking improvements and repair: *Provided*, That the expenditures for fiscal year 2006 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2006 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the building and ground fund for the fiscal year 2006.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects — debt service	No limit
Rehabilitation and repair	\$200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2006.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2006, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2006 from the unencumbered balance as of June 30, 2005, in each capital improvement account of the state buildings depreciation fund for one or more projects approved for prior fiscal years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2006.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Landon state office building — debt service	No limit
Memorial hall — debt service	No limit
Docking cooling towers replacement — debt service	No limit
700 Harrison purchase and renovation — debt service	No limit

(i) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Printing plant — debt service	No limit
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(j) On the effective date of this act, any unencumbered balance in each of the following

accounts of the state buildings depreciation fund is hereby lapsed: Docking electrical equipment condition study; capitol complex refrigerant code study.

(k) On July 1, 2005, the 700 Harrison purchase and renovation — debt service account of the state buildings operating fund of the department of administration is hereby redesignated as the Eisenhower building purchase and renovation — debt service account of the state buildings operating fund of the department of administration.

(l) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 or for fiscal year 2006 as authorized by chapter 123 or chapter 184 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 or for fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$26,900,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

(m) (1) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 to negotiate and enter into an agreement with the city of Topeka, Kansas, to exchange and convey the state real property for the Topeka real property and for the forgiveness and release of the state from any further obligations under the real estate lease agreement with purchase option for the 412-422 South Van Buren property pursuant to this subsection (m): *Provided*, That, for such purposes, the department of administration is hereby authorized to exchange and convey the state real property to the city of Topeka, Kansas, in consideration for (A) the conveyance by the city of Topeka, Kansas, of the Topeka real property to the state, and (B) the forgiveness and release of the state from any further obligations under the real estate lease agreement with purchase option for the 412-422 South Van Buren property: *Provided further*, That any proceeds received by the department of administration on behalf of the state from this transaction shall be deposited in the state treasury and credited to a special revenue fund of the department of administration designated by the secretary of administration: *And provided further*, That the conveyance of real property authorized by this subsection (m) shall not be subject to the provisions of K.S.A. 75-3043a and amendments thereto.

(2) As used in this subsection (m):

(A) "State real property" means the following real property located in Shawnee county, Kansas: Lots 218, 220, 222, 224, 226 and 228 on Southwest Van Buren Street, in the Original

Town of Topeka, Kansas, (commonly known as the North One-half of the parking lot on the East side of the 700 block of South Van Buren Street; and

(B) "Topeka real property" means the following real property located in Shawnee county, Kansas: Lots 124, 126, 128, 130, 132, 134, 136, 138, 140, 142 and 144 on Southwest Van Buren Street in the Original Town of Topeka, Kansas (commonly known as 412-422 South Van Buren).

Sec. 159.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation — bond and interest sinking fund	No limit
Lewis field renovation — revenue fund	No limit
Memorial union renovation debt service fund.....	No limit

Sec. 160.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Lease payment — Salina aeronautical center (including aeronautical laboratory center)	\$189,446
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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, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Farrell library renovation/expansion-gifts/donations fund.....	No limit
Plant science building phase II — special revenue fund	No limit
Engineering complex phase II private gift fund.....	No limit
Student recreation building repair, equipment & improvement fund.....	No limit
Coliseum/stadium parking repair & improvement fund	No limit
Ackert hall addition — gifts and grants fund	No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2006, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Biological and agricultural engineering research storage building.....	No limit
Konza prairie preserve storage building	No limit
Improvements to grain science value added laboratory.....	No limit
Construct a materials acoustics laboratory.....	No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored research overhead fund for fiscal year 2006, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Accelerated testing laboratory garage addition	No limit
Accelerated testing laboratory storage/equipment shed.....	No limit
Salina national gas machinery laboratory	No limit

(e) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 or fiscal year 2006 as authorized by this or other appropriation act of the 2004 or 2005 regular session of the legislature, expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 or fiscal year 2006 (1) to raze portions of building no. 025 (Seaton hall); and (2) to raze Salina campus building no. 701.

(f) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2006 or fiscal year 2007, or both fiscal years, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to redevelop, renovate and equip the Jardine apartments: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$102,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund or any other appropriate funds of Kansas state university.

Sec. 161.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2006, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2006 for the following capital improvement project or projects:

Validation/fresh meats processing laboratory	No limit
Renovate laboratories in Throckmorton hall	No limit
Warehouse expansion — department of agronomy building	No limit
Scandia experiment field office facility	No limit
Equipment/pesticide storage buildings	No limit
Southwest research extension center office/administrative facility	No limit
Equine education and research center.....	No limit
Southeast agriculture research center buildings	No limit
South central agronomy experiment field office and storage building	No limit
Grain science center	No limit
Agricultural shop buildings — east central Kansas experiment field.....	No limit
Animal science swine facility	No limit
Construct east Kansas horticulture research center.....	No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored overhead research fund for fiscal year 2006, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Southeast agriculture research center buildings	No limit
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(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Greenhouse laboratory construction fund	No limit
Horticulture research/education center construction fund	No limit

(d) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys ap-

propriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for greenhouse laboratory construction: *Provided*, That such capital improvement project is hereby approved for Kansas state university extension systems and agriculture research programs for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university extension systems and agriculture research programs 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 \$1,700,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.

(e) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for horticulture research/education center construction: *Provided*, That such capital improvement project is hereby approved for Kansas state university extension systems and agriculture research programs for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university extension systems and agriculture research programs 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 \$1,500,000, 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 projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.

Sec. 162.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union refurbishing fund	No limit
Twin towers project revenue fund	No limit
Twin towers bond and interest sinking fund	No limit

Twin towers maintenance and equipment reserve fund No limit

(b) In addition to the other purposes for which expenditures may be made by Emporia state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by Emporia state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2006 or fiscal year 2007, or both fiscal years, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to plan, remodel and renovate the Towers residential complex: *Provided*, That such capital improvement project is hereby approved for Emporia state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Emporia state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$7,745,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund or any other appropriate funds of Emporia state university.

Sec. 163.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Kansas polymer research center fund — private gifts	No limit
Suspense fund.....	No limit
Armory/classroom/recreation center — federal fund	No limit
Armory/classroom/recreation center — private fund.....	No limit
Bonita terrace apartments renovation fund.....	No limit
Horace Mann renovation revenue fund	No limit
Overman renovation revenue fund.....	No limit

(b) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 or fiscal year 2006 as authorized by this or other appropriation act of the 2004 or 2005 regular session of the legislature, expenditures may be made by Pittsburg state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 or fiscal year 2006 to raze the Hughes hall annex.

(c) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 and fiscal year 2008 as authorized by this or other appropriation act of the 2005 regular session of the legislature or as authorized by any appropriation act of the 2006 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2007 and fiscal year 2008 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for an armory/classroom/recreation center in conjunction with the adjutant general: *Provided*, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization

of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$4,025,763, 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.

Sec. 164.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union renovation revenue fund	No limit
Student health facility maintenance, repair, and equipment fee fund.....	No limit
Regents center revenue fund — K DFA D bonds, 1990	No limit
Regents center revenue refund project principal and interest — K DFA C bonds, 1997	No limit
Parking facilities surplus fund — K DFA G bonds, 1993	No limit
<i>Provided</i> , That the university of Kansas may make expenditures from the parking facilities surplus fund — K DFA G bonds, 1993 for capital improvements to parking lots in addition to the expenditure of other moneys appropriated therefor.	
Biosciences research center — special revenue fund	No limit
<i>Provided</i> , That all gifts and grants received for the capital improvement project to construct and equip a biosciences research center, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of the biosciences research center — special revenue fund: <i>Provided further</i> , That the above agency may transfer moneys during fiscal year 2006 from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project.	
Multicultural resource center — construction fund.....	No limit
<i>Provided</i> , That all gifts received for the capital improvement project to construct and equip a multicultural resource center shall be deposited in the state treasury to the credit of the multicultural resource center — construction fund: <i>Provided further</i> , That the above agency may transfer moneys during fiscal year 2006 from the appropriate accounts of the restricted fees fund to this fund for such capital improvement project.	
Athletic facilities enhancements special revenue fund K DFA A university proceeds	No limit
Edwards campus facility expansion — special revenue fund	No limit
<i>Provided</i> , That all gifts and grants received for the capital improvement project to expand facilities on the Edwards campus, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of the Edwards campus facility expansion — special revenue fund.	
Child care facility operations account fund.....	No limit
Child care facility student fee account fund.....	No limit
Continuing education program building acquisition — special revenue fund.....	No limit
Dole institute gift or grant fund.....	No limit
Construct student recreation & fitness center — special revenue fund..	No limit
<i>Provided</i> , That the university of Kansas may transfer moneys for fiscal year 2006 from appropriate accounts of the restricted fees fund to the construct student recreation and	

fitness center — special revenue fund for the capital improvement project to construct student recreation and fitness center.

Rehabilitation and repair projects for institutions of higher education fund.....	No limit
Rehabilitation and repair projects for disability act, etc fund.....	No limit
Templin hall rebate fund.....	No limit
Student union addition — university proceeds account K DFA T2 2001 fund.....	No limit
Edwards campus facility expansion — university proceeds account K DFA K 2002 fund.....	No limit
Wescoe hall infill construction fund.....	No limit

Provided, That the university of Kansas may transfer moneys for fiscal year 2006 from the general fees fund to the Wescoe hall infill construction fund for the capital improvement project to infill Wescoe hall.

(b) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 or fiscal year 2006 as authorized by this or other appropriation act of the 2004 or 2005 regular session of the legislature, expenditures may be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2005 or fiscal year 2006 to raze building no. 43 — Lindley hall annex.

(c) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 as authorized by this or other appropriation act of the 2005 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 2006 or fiscal year 2007 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct an addition to the student recreation and fitness center at the university of Kansas: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$6,200,000, 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 projects shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas.

Sec. 165.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Construct and equip nursing education facility — gift and grant fund....	No limit
Parking facility revenue fund.....	No limit
Rehabilitation and repair projects for institutions of higher education fund.....	No limit
Construct and equip research building fund.....	No limit
Construct and equip center for health in aging fund.....	No limit
Construct and equip center for health in aging bond reserve fund.....	No limit

Construct and equip center for health in aging — gift and grant fund ...	No limit
Construct and equip research support facility fund.....	No limit
Construct and equip addition to research support facility — gift and grant fund.....	No limit
Construct parking facility #3 fund.....	No limit
<i>Provided</i> , That the university of Kansas medical center may transfer moneys during fiscal year 2006 from appropriate accounts of the parking fees fund to the construct parking facility #3 fund for such capital improvement project.	
Construct parking facility #4 fund.....	No limit
<i>Provided</i> , That the university of Kansas medical center may transfer moneys during fiscal year 2006 from appropriate accounts of the parking fees fund to the construct parking facility #4 fund for such capital improvement project.	

(b) During the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored research overhead fund to the construct and equip center for health in aging bond reserve fund.

(c) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or for fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or for fiscal year 2007 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct parking facility #3: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center 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 \$14,500,000, 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 projects shall be financed by appropriations from the parking fees fund or any other appropriate funds.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct parking facility #4: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center 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 \$7,644,000, 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 projects shall be financed by appropriations from the parking fees fund or any other appropriate funds.

(e) (1) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 and fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 and fiscal year 2007 to assist the state board of regents in the exchange and conveyance of university real property and association real property pursuant to this subsection (e) for the purposes of the capital improvement project for the university of Kansas medical center to construct parking facility #4 as approved by subsection (d).

(2) In addition to the other purposes for which expenditures may be made by the state board of regents from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 and fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 and fiscal year 2007 to provide for the exchange and conveyance of university real property and association real property pursuant to this subsection (e) to provide for the capital improvement project approved for the university of Kansas medical center to construct parking facility #4 as provided in subsection (d).

(3) The state board of regents, for and on behalf of the university of Kansas is hereby authorized to exchange and convey the university real property to the Kansas university endowment association in consideration for the conveyance by the Kansas university association of the association real property to the university of Kansas and to accept such association real property.

(4) The exchange and conveyance of the university real property by the state board of regents under this subsection (e) shall be executed in the name of the state board of regents by the chairperson and executive officer, and shall be delivered upon receipt of a good and sufficient warranty deed from the Kansas university endowment association conveying the association real property. Before any such real property is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the state board of regents to the Kansas university endowment association and the instruments of conveyance of the Kansas university endowment association to the university of Kansas and shall approve the title to the association real property exchanged and conveyed by the Kansas university endowment association.

(5) The exchange and conveyance of university real property and association real property pursuant to this subsection (e) is incidental to and in facilitation of the capital improvement project approved for the university of Kansas medical center to construct parking facility #4 as provided in subsection (d).

(6) As used in this subsection (e): "University real property" has the meaning ascribed thereto by subsection (e)(1) of section 158 of chapter 123 of the 2004 Session Laws of Kansas; and "association real property" has the meaning ascribed thereto by subsection (e)(2) of section 158 of chapter 123 of the 2004 Session Laws of Kansas.

(f) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct the ambulatory care facility at the university of Kansas medical center: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center

for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center 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 \$42,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas medical center.

Sec. 166.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Aviation research debt service.....	\$1,308,500
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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, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

On campus parking reserve account fund — K DFA B bonds.....	No limit
Parking system project — maintenance fund, K DFA revenue bonds.....	No limit
On campus parking principal and interest fund — K DFA B bonds.....	No limit
Parking system project revenue fund — K DFA bonds.....	No limit
WSU housing system surplus fund.....	No limit
Regents rehabilitation and repair phase II — K DFA G bonds, 1997 fund.....	No limit

Sec. 167.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Debt service — revenue bonds issued for major remodeling and new construction projects at state educational institutions.....	\$15,000,000
Rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education.....	\$15,000,000

Provided, That the state board of regents is hereby authorized to transfer moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Research bond debt service fund.....	No limit
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(c) In addition to the other purposes for which expenditures may be made by the state board of regents from the moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year 2006 or fiscal year 2007 as authorized by

this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 2004 Supp. 76-783 and amendments thereto to finance scientific research and development facilities, as defined by K.S.A. 2004 Supp. 76-779 and amendments thereto, including capital improvement projects therefor, at Kansas state university, Wichita state university and Pittsburg state university pursuant to the university research and development enhancement act: *Provided*, That, notwithstanding any provisions of K.S.A. 2004 Supp. 76-783 and amendments thereto to the contrary, such bonds and scientific research and development facilities, including capital improvement projects therefor, are hereby approved for the state board of regents for the purposes of the university research and development enhancement act and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 2004 Supp. 76-783 and amendments thereto: *Provided further*, That the state board of regents may make expenditures from the moneys received from the issuance of any such bonds for such scientific research and development facilities, including capital improvement projects therefor, in accordance with the procedures and guidelines authorized and prescribed for scientific research and development facilities pursuant to the university research and development enhancement act: *Provided, however*, That expenditures from the issuance of any such bonds for such scientific research and development facilities, including capital improvement projects therefor, shall not exceed \$5,000,000, plus all amounts required for the costs of bond issuance, costs of interest on the bonds issued for scientific research and development facilities, including capital improvement projects therefor, during the completion of such scientific research and development facilities and projects and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such scientific research and development facilities, including capital improvement projects therefor, shall be financed by appropriations from any appropriate special revenue fund or funds of Kansas state university, Wichita state university, or Pittsburg state university.

Sec. 168.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser — federal fund for fiscal year or years specified, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser — federal fund during the fiscal year or years specified, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service — 1430 Topeka facilities.

For the fiscal year ending June 30, 2006.....	\$67,892
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Provided, That all expenditures from the debt service — 1430 Topeka facilities account shall be in addition to any expenditure limitation imposed on the Wagner Peyser — federal fund for fiscal year 2006: *Provided further*, That all expenditures from the debt service — 1430 Topeka facilities account of the Wagner Peyser — federal fund for fiscal year 2006 shall be made in accordance with the assignment agreement entered into by the department of labor and the department of commerce on July 1, 2004, and all addenda thereto, under which the obligation for bond principal and interest payments for the Kansas Development Finance Authority Lease Revenue Bonds, Series 2002H (State of Kansas — Department of Human Resources Acquisition and Renovation project), dated as of August 15, 2002, issued to finance the costs of the capital improvement projects to remodel the agency headquarters and to purchase a building and parking lot at 1430 Topeka Boulevard in Topeka, Kansas, was assigned to the department of commerce from the department of labor and the bond principal and interest payments for such bonds are to be paid by the department of commerce in accordance with and subject to such assignment agreement and addenda and the applicable bond covenants.

Rehabilitation and repair

For the fiscal year ending June 30, 2006..... \$228,250

(b) In addition to the other purposes for which expenditures may be made by the above agency from the WIA — setaside — federal fund for fiscal year or years specified, expenditures may be made by the above agency from the following capital improvement account or accounts of the WIA — setaside — federal fund during the fiscal year or years specified, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service — 1430 Topeka facilities

For the fiscal year ending June 30, 2006..... \$67,893

Provided, That all expenditures from the debt service — 1430 Topeka facilities account shall be in addition to any expenditure limitation imposed on the WIA — setaside — federal fund for fiscal year 2006: *Provided further*, That all expenditures from the debt service — 1430 Topeka facilities account of the WIA — setaside — federal fund for fiscal year 2006 shall be made in accordance with the assignment agreement entered into by the department of labor and the department of commerce on July 1, 2004, and all addenda thereto, under which the obligation for bond principal and interest payments for the Kansas Development Finance Authority Lease Revenue Bonds, Series 2002H (State of Kansas — Department of Human Resources Acquisition and Renovation project), dated as of August 15, 2002, issued to finance the costs of the capital improvement projects to remodel the agency headquarters and to purchase a building and parking lot at 1430 Topeka Boulevard in Topeka, Kansas, was assigned to the department of commerce from the department of labor and the bond principal and interest payments for such bonds are to be paid by the department of commerce in accordance with and subject to such assignment agreement and addenda and the applicable bond covenants.

Rehabilitation and repair

For the fiscal year ending June 30, 2006..... \$228,250

Sec. 169.

DEPARTMENT OF LABOR

(a) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for fiscal year 2006, expenditures may be made by the above agency from the employment security administration fund for fiscal year 2006 from moneys made available to the state under section 903 of the federal social security act, as amended: *Provided*, That expenditures from this fund during fiscal year 2006 of moneys made available to the state under section 903 of the federal social security act, as amended, may be made for the following capital improvement purposes: (1) For major maintenance of existing buildings used by the department of human resources for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; or (3) for any combination of these purposes: *Provided further*, That expenditures from this fund for fiscal year 2006 of moneys made available to the state under section 903 of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$53,255 plus the amounts of unencumbered balances as of June 30, 2005, for capital improvement projects approved for fiscal years prior to fiscal year 2006: *And provided further*, That all expenditures from this fund for any such capital improvement purposes or projects shall be in addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 2006.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Complete remodeling of agency headquarters fund No limit

Provided, That the department of labor may make expenditures from the complete remodeling of agency headquarters fund for the capital improvement project to complete remodeling of the agency headquarters.

Remodel department of labor facilities fund No limit

Provided, That the department of labor may make expenditures from the remodel depart-

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

Employment security administration property sale fund No limit
Provided, That the secretary of labor, in consultation with the secretary of administration, is hereby authorized to make expenditures from the employment security administration property sale fund to purchase or acquire by exchange additional real estate to provide space for the unemployment insurance program of the department of labor, including the initiation, planning and completion of capital improvements on such real estate for such purposes: *Provided, however*, That no expenditures shall be made from this fund for a proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor on such real estate for such purposes, have been reviewed by the joint committee on state building construction.

(c) During the fiscal year ending June 30, 2006, upon the release of each encumbrance of moneys in the complete remodeling of agency headquarters fund, upon certification by the secretary of labor, the director of accounts and reports shall transfer the amount equal to the unexpended balance of each such released encumbrance from the complete remodeling of agency headquarters fund to the remodel department of labor facilities fund.

(d) In addition to the other purposes for which expenditures may be made by the department of labor from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the department of labor from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to complete renovation of the agency headquarters, including necessary furniture and equipment: *Provided*, That such capital improvement project is hereby approved for the department of labor for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of labor may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$3,800,000, 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 in the state treasury to the credit of the complete remodeling of agency headquarters fund or as otherwise prescribed by applicable bond covenants and shall be 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 other appropriate special revenue fund or funds.

(e) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund for fiscal year 2006 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2006 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided*, That such expenditures may be made and such sale, exchange

or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however,* That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further,* That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of labor: *Provided, however,* That expenditures from such fund shall not exceed the limitation established for fiscal year 2006 by this or other appropriation act of the 2005 regular session of the legislature except upon approval of the state finance council.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2006, expenditures may be made by the above agency from the special employment security fund for fiscal year 2006 for the following capital improvement purpose: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided,* That expenditures from this fund for fiscal year 2006 for such capital improvement purpose shall not exceed \$276,134: *Provided further,* That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2006.

Sec. 170.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Soldiers' home repair and rehabilitation projects	\$257,130
Veterans' home repair and rehabilitation projects.....	\$100,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Winfield veterans home acquisition and construction fund.....	No limit
Veterans' home federal construction grant fund	No limit

Provided, That all moneys received by the above agency as federal grants for the purposes of construction and remodeling at the Kansas veterans' home, which grants are hereby authorized to be applied for and received by the above agency, shall be deposited in the state treasury to the credit of the Veterans' home federal construction grant fund.

Kansas soldiers home construction grant fund	No limit
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Sec. 171.

ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Debt service — headquarters building	\$315,958
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(b) In addition to the other purposes for which expenditures may be made from the forensic laboratory and materials fee fund, expenditures may be made by the above agency from the Kansas bureau of investigation forensic laboratory and materials fee fund for the following fiscal years for the capital improvement project, subject to the expenditure limitations prescribed therefor:

KBI west laboratory at Great Bend — renovation	
For the fiscal year ending June 30, 2006.....	\$357,310
For the fiscal year ending June 30, 2007.....	\$138,075
For the fiscal year ending June 30, 2008.....	\$121,947

For the fiscal year ending June 30, 2009..... \$145,679
Provided, That no expenditures shall be made from the forensic laboratory and materials fee fund for the KBI west laboratory at Great Bend — renovation until such capital improvement project has been reviewed by the joint committee on state building construction.
 Sec. 172.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2006, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — training center — Salina	\$510,725
Rehabilitation and repair — training center — Salina	\$50,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the highway patrol training center fund for fiscal year 2006.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2006, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — vehicle inspection facility — Olathe	\$62,482
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the vehicle identification number fee fund for fiscal year 2006.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2006, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — Topeka fleet service	\$373,900
Debt service — port weigh stations.....	\$110,863
Replacement of scales	\$241,509

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the Kansas highway patrol operations fund for fiscal year 2006.

(d) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$726,272 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2006 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2006 for support and maintenance of the Kansas highway patrol.

Sec. 173.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Debt service — rehabilitation and repair of the statewide armories	\$1,494,290
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(b) In addition to the other purposes for which expenditures may be made by the adjutant general from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 or fiscal year 2007 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2006 or fiscal year 2007, or both fiscal years, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for an armory/

classroom/recreation center in conjunction with Pittsburg state university: *Provided*, That such capital improvement project is hereby approved for the adjutant general for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the adjutant general 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 \$1,450,711, 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.

Sec. 174.

DEPARTMENT OF WILDLIFE AND PARKS

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

Crawford state fishing lake sewer repair \$14,175

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Any unencumbered balance in excess of \$100 as of June 30, 2005, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 2006: Crawford state fishing lake sewer repair.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2006, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund No limit

Provided, That, except in cases of emergencies or other unanticipated projects, all expenditures from the department access road fund for fiscal year 2006 shall be for projects at Crawford state park, Elk City state park, Fall River state park, Eisenhower state park, Pomona state park, Cross Timbers state park, and Farlington Fish hatchery.

Bridge maintenance fund No limit

(d) On July 1, 2005, 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.

(e) On July 1, 2005, 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.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Migratory waterfowl propagation and protection fund — wetlands acquisition/ development \$200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2006.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2006, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2006 from the unencumbered balance as of June 30,

2005, in each existing capital improvement account of the migratory waterfowl propagation and protection fund: *Provided*, That all expenditures from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2006.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Boating fee fund — Coast Guard boating projects..... \$105,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2006.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2006, expenditures may be made by the above agency from the boating fee fund for fiscal year 2006 from the unencumbered balance as of June 30, 2005, in each existing capital improvement account of the boating fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2006 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2006.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wildlife fee fund federally mandated boating access \$75,370

Wildlife fee fund rehabilitation and repair \$150,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2006.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2006, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2006 from the unencumbered balance as of June 30, 2005, in each existing capital improvement account of the wildlife fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2006.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife conservation fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wildlife conservation fund — wetlands acquisition/development \$150,000

Wildlife conservation fund — land acquisition \$500,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2006.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2006, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2006 from the unencumbered balance as of June 30, 2005, in each existing capital improvement account of the wildlife conservation fund: *Provided*, That expenditures from the unencumbered

balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2006 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2006.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2006, expenditures may be made by the above agency from the parks fee fund for fiscal year 2006 from the unencumbered balance as of June 30, 2005, in each existing capital improvement account of the parks fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2006.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the land and water conservation fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
Land and water conservation fund — rehabilitation and repair \$641,165
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the land and water conservation fund for fiscal year 2006.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2006 expenditures may be made by the above agency from the unencumbered balance as of June 30, 2005, in each existing capital improvement account of the land and water conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund for fiscal year 2006 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund for the fiscal year 2006.

(q) In addition to the other purposes for which expenditures may be made by the above agency from the other federal grants fund for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the other federal grants fund for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
Prairie spirit trail development \$812,652
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the other federal grants fund for fiscal year 2006.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2006, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fund — federal for fiscal year 2006 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
Wildlife fund — federal boating access projects \$800,000
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fund — federal for fiscal year 2006.

(s) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2006, expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2006 from the unencumbered balance as of June 30, 2005, in each existing capital improvement account of the

wildlife fund — federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2005: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fund — federal for fiscal year 2006 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fund — federal for fiscal year 2006.

(t) During the fiscal year ending June 30, 2006, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for construction of any new river access on the Kansas River, unless (1) in any case of a new river access project on the Kansas river to be located wholly or partially outside an incorporated municipality, the secretary of wildlife and parks has obtained the prior written permission for the proposed river access from each owner of each parcel of real property on the river which is immediately adjacent to the real property upon which the proposed river access project is to be constructed, and, if a parcel of any such immediately adjacent real property is being leased, then the secretary also has obtained the prior written permission for the proposed new river access project from the lessor of such immediately adjacent real property, and (2) in any case of a new river access project on the Kansas river to be located wholly within an incorporated municipality, the secretary has obtained the prior written permission for the proposed new river access project from the governing body of the municipality.

Sec. 175.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2006, for the capital improvement project or projects specified as follows:

Debt service — Topeka complex and Lamed juvenile correctional facility..... \$2,205,512

(b) On July 1, 2005, the director of accounts and reports shall transfer all moneys in the Topeka juvenile correctional facility account of the state institutions building fund of the juvenile justice authority to the Kansas juvenile correctional complex account of the state institutions building fund of the juvenile justice authority. On July 1, 2005, all liabilities of the Topeka juvenile correctional facility account of the state institutions building fund of the juvenile justice authority are hereby transferred to and imposed on the Kansas juvenile correctional complex account of the state institutions building fund of the juvenile justice authority and the Topeka juvenile correctional facility account of the state institutions building fund of the juvenile justice authority is hereby abolished.

(c) On July 1, 2005, the Topeka juvenile correctional facility capital improvements — rehabilitation, remodeling, renovation and repair of juvenile correctional facilities account of the state institutions building fund of the juvenile justice authority is hereby redesignated as the Kansas juvenile correctional complex capital improvements — rehabilitation and repair of juvenile correctional facilities account of the state institutions building fund of the juvenile justice authority.

Sec. 176. (a) On or after July 1, 2005, during the fiscal year ending June 30, 2006, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2004 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2004 Supp. 75-4266 and amendments thereto.

(b) On or after July 1, 2005, during the fiscal year ending June 30, 2006, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2004 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the long-term care loan and grant fund of the department on aging established by K.S.A. 2004 Supp. 75-4265 and amendments thereto.

(c) On or after July 1, 2005, during the fiscal year ending June 30, 2006, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2004 Supp. 75-4265 and amendments thereto from the intergovernmental transfer

fund of the department on aging to the state medicaid match fund — department on aging established by K.S.A. 2004 Supp. 75-4265 and amendments thereto.

(d) On or after July 1, 2005, during the fiscal year ending June 30, 2006, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2004 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the state medicaid match fund — SRS established by K.S.A. 2004 Supp. 75- 4265 and amendments thereto.

(e) On or after July 1, 2005, during the fiscal year ending June 30, 2006, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2004 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the aging — IGT fund of the department on aging.

(f) Commencing on July 1, 2005, or as soon as moneys are available therefor, during the fiscal year ending June 30, 2006, the director of accounts and reports shall transfer to the SRS IGT fund of the department of social and rehabilitation services, on the dates when the following transfers would have been made under the statute specified, the following: All amounts of money that would have been directed by subsection (f)(2) of K.S.A. 2004 Supp. 75-4265 and amendments thereto to be transferred from the intergovernmental transfer fund of the department on aging to the senior services trust fund, the long-term care loan and grant fund, the state medicaid match fund — department on aging, and the state medicaid match fund — SRS.

Sec. 177. On July 1, 2005, K.S.A. 2004 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities. Upon receipt of such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that (1) no transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year; and (2) ~~no amount shall be transferred under this section from the state general fund to the state fair capital improvements fund~~ *all transfers made in accordance with the provisions of this section during the fiscal year years ending June 30, 2005 2006 and June 30, 2007, shall be considered to be revenue transfers from the state general fund.*

Sec. 178. On July 1, 2005, K.S.A. 2004 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2009, the director of accounts and reports shall transfer \$100,000 from the state general fund, \$100,000 from the state water plan fund established by K.S.A. 82a-951 and amendments thereto and \$100,000 from the conservation fee fund established by K.S.A. 55-143 and amendments thereto to the abandoned oil and gas well fund established by K.S.A. 2004 Supp. 55-192 and amendments thereto, except that: (a) No transfers shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during state fiscal year ~~2005~~ year 2006, and (b) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year ~~2005 2006~~ shall not exceed ~~\$667,000~~ \$400,000.

Sec. 179. On July 1, 2005, K.S.A. 2004 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district

capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which is obligated to make payments from its bond and interest fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. The state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and

(7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ~~years~~ ending June 30, ~~2005~~ 2006 and June 30, 2007, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

Sec. 180. On July 1, 2005, K.S.A. 2004 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 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, ~~2005~~ 2006, 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 ~~2004~~ 2005 regular session of the legislature.

Sec. 181. On July 1, 2005, K.S.A. 2004 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2004 Supp. 76-774 and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either (1) the endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution, or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal ~~year~~ years ending June 30, ~~2005~~ 2006 and June 30, 2007, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational

institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section and amendments thereto for a fiscal year is equal to or greater than \$5,000,000.

Sec. 182. On July 1, 2005, K.S.A. 2004 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that no moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal ~~year 2005~~ *years 2006 and 2007*. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201 and amendments thereto on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 183. On July 1, 2005, K.S.A. 2004 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal ~~year 2005~~ *years 2006 and 2007*. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 184. On July 1, 2005, K.S.A. 2004 Supp. 79-3425c is hereby amended to read as follows: 79-3425c. (a) On July 15, ~~2004 2005~~, October 15, ~~2004 2005~~, February 15, ~~2005 2006~~, and May 15, ~~2005 2006~~, *on July 15, 2006, October 15, 2006, February 15, 2007, and May 15, 2007*, 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, ~~2005~~ 2006, and May 15, ~~2005~~ 2006, on February 15, 2007, and May 15, 2007, 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, ~~2005~~ 2006, and May 15, ~~2005~~ 2006, on February 15, 2007, and May 15, 2007, 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, ~~2005~~ 2006, and May 15, ~~2005~~ 2006, on February 15, 2007, and May 15, 2007, 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 secretary 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. 2004 Supp. 58-3211, and amendments thereto.

Sec. 185. On July 1, 2005, K.S.A. 2004 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) the amount of moneys transferred from the state general fund to the special city and county highway fund during state fiscal ~~year 2005~~ *years 2006 and 2007* on each such date shall not exceed \$5,031,832. All transfers under this section shall be considered to be demand transfers from the state general fund except that all such transfers during the fiscal ~~year~~ *years* ending June 30, ~~2005~~ *2006, and June 30, 2007*, shall be considered to be revenue transfers from the state general fund.

Sec. 186. On July 1, 2005, K.S.A. 2004 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, of such amount to be transferred on July 15 and to be transferred on January 15, except that (1) such transfers *during each fiscal year commencing after June 30, 2006*, are subject to reduction under K.S.A. 75-6704, and amendments thereto, and (2) the amount of moneys transferred from the state general fund to the state water plan fund during state fiscal year ~~2005~~ 2006 on each such date shall not exceed ~~\$1,874,419.50~~ \$2,537,500. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ~~years~~ ending June 30, ~~2005~~ 2006, and June 30, 2007, shall be considered revenue transfers from the state general fund.

Sec. 187. On July 1, 2005, K.S.A. 2004 Supp. 2-223, 55-193, 75-2319, 75-6702, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a are hereby repealed.

Sec. 188. *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, 2005, or ending June 30, 2006, made in chapter 123 or chapter 184 of the 2004 Session Laws of Kansas or in this act or in any other appropriation act of the 2005 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, 2007, made in this act or in any other appropriation act of the 2005 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 189. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

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

Sec. 190. *Savings.* (a) Any unencumbered balance as of June 30, 2005, 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 2005 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2006, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2006, in any special revenue fund, or account thereof, of any state agency named in section 79 of this act which is not otherwise specifically appropriated or limited for fiscal year 2007 by chapter 123 or chapter 184 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature, is hereby appropriated for fiscal year 2007 for the same use and purpose as the same was heretofore appropriated.

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

Sec. 191. During the fiscal year ending June 30, 2006, 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 2005 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2006, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 192. *Federal grants.* (a) During the fiscal year ending June 30, 2006, 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 2005 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2006, 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, 2007, each federal grant or other federal receipt which is received by a state agency named in section 79 of this act and which is not otherwise appropriated to that state agency for fiscal year 2007 by this or other appropriation act of the 2005 regular session of the legislature, is hereby appropriated for fiscal year 2007 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 2007, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2007.

(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 2006 by chapter 123 or chapter 184 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature to apply for and receive federal grants during fiscal year 2006, 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. 193. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2005 regular session of the legislature, and having an unencumbered balance as of June 30, 2005, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2006, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2004.

Sec. 194. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2005 regular session of the legislature and having an unencumbered balance as of June 30, 2005, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2006, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2004.

Sec. 195. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2005 regular session of the legislature and having an unencumbered balance as of June 30, 2005, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2006, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2004.

Sec. 196. Any transfers of money during the fiscal year ending June 30, 2006, 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, 2006.

Sec. 197. During the fiscal year ending June 30, 2006, 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. 2004 Supp. 75-37,105, and amendments thereto, shall transfer (1) from each state general fund appropriation or reappropriation account for fiscal year 2006 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. 2004 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, excluding federal funds, for fiscal year 2006 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. 2004 Supp. 75-37,105, and amendments thereto, the amount equal to 80% of the cost reduction which is attributed to such special revenue fund, excluding federal funds.

Sec. 198. This act shall take effect and be in force from and after July 1, 2005, or the date upon which the omnibus reconciliation spending limit bill of the 2005 regular session of the legislature becomes effective, whichever is later, and its publication in the Kansas register.”;

On page 1, in the title, in line 14, by striking all after act; by striking all in lines 15 and 16; in line 17, by striking all before the period and inserting “making and concerning appropriations for the fiscal years ending June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008, and June 30, 2009, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2004 Supp. 2-223, 55-193, 75-2319, 75-6702, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

MELVIN J. NEUFELD
BRENDA K. LANDWEHR
BILL FEUERBORN
Conferees on part of House

DWAYNE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **SB 225**.

On roll call, the vote was: Yeas 26, Nays 13, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Jordan, McGinn, Morris, Ostmeier, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Betts, Francisco, Goodwin, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, O'Connor, Palmer, Petersen, Pyle.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **SB 225**. This is far from a perfect budget, but it allows our state to move forward. I am confident that we will revisit K-12 education in the future, but this budget gives our schools some additional funding immediately.

It is likely that the Legislature will need to pass supplementals to this budget next January to honor our commitment to state employees. This is not the end of the road, but a significant step in the right direction.—JIM BARONE

Senators Emler, Gilstrap, McGinn, Ostmeyer, Reitz, Steineger, Teichman and Umbarger request the record to show they concur with the “Explanation of Vote” offered by Senator Barone on **SB 225**.

MR. PRESIDENT: It is clear that the members of the Ways and Means and the conference committees worked hard to establish and hold the Senate position on the budget. I am pleased to see additional funds available for early education, K-12, higher education and the cost of living increase for state employees. But, rather than providing funding to cover the costs, we are spending down our ending balance, forcing local school boards to raise local property taxes, and asking state agencies to find monies in their existing budgets to meet the increase for state employees. I vote no on **SB 225** rather than ignore what I believe is my constitutional duty and fiscal responsibility to Kansans.—Marci Francisco

Senators Betts and Haley request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **SB 225**.

MR. PRESIDENT: I vote no on **SB 225**. This budget is a validation of an irresponsible and shortsighted school funding proposal. That proposal attempts to fund Kansas schools at the expense of other important agencies and will ultimately send our state farther down the road to financial peril.

There are many drawbacks to the education plan that was passed by the House and Senate. The Consumer Price Index provision is dangerous and limits future legislatures’ ability to fund other areas of the budget beyond K-12 education. The increase in the Local Option Budget and the cost of living provision will result in greater inequality between wealthy and poor school districts.

This plan, endorsed in our budget, does not adequately or equitably fund our schools. This plan illustrates very little long-term vision for our most important investment: improving the quality of education for our children. I believe this budget and the school finance plan that it funds will likely place the future of our schools in the hands of the courts.

I vote no because I believe Kansas kids deserve better.—Anthony Hensley

Senators Lee and Reitz request the record to show they concur with the “Explanation of Vote” offered by Senator Hensley on **SB 225**.

MR. PRESIDENT: I vote no on **SB 225** because it once again illustrates this Legislature’s desire to push our responsibilities off on others. The Legislature fails to fund K-12 education and forces the responsibility onto local school boards. We fail to fully fund the state employee cost of living increase and tell agencies to do it themselves. I believe this shows very little leadership on the part of the Legislature. We seem willing to ignore our constitutional duties and fiscal responsibilities for an easy way out.

I am disappointed in the proposed budget because it pits one important agency against another. This is not the way to run government. I vote no.—Janis Lee

Senators Goodwin, Hensley and Kelly request the record to show they concur with the “Explanation of Vote” offered by Senator Lee on **SB 225**.

MR. PRESIDENT: I vote No on **SB 225**. The Kansas Legislature continues to spend more than it receives in new revenue. It also continues to violate the requirements of the 7.5% ending balance law. Fiscal Responsibility and vision are not reflected in this bill. Families have to live within their means and so should State Government.—Peggy Palmer

Senators Huelskamp, O’Connor, Petersen and Pyle request the record to show they concur with the “Explanation of Vote” offered by Senator Palmer on **SB 225**.

MR. PRESIDENT: I vote “aye” and would like to explain my vote on **SB 225**.

I again would publicly like to thank our Senate conferees: Chairman Umbarger, Senators Emler and Barone. They did a Yoman’s job.

I am voting in favor of **SB 225** only because of our one-year education plan. I don’t like the way we funded it and the way we are spending down our balances.

I think it’s deplorable that we are not paying our state employees what they’re due.

I am frustrated that a court system, which is totally backlogged, cannot get funding for a magistrate judge.

And I'm really concerned about the finances of this State in the future.

Thus far, we have responded to the Court by providing some \$125 million in additional resources for FY 2006 with no funding for future years.

I wonder if anyone can demonstrate to the courts or anyone else on a multi-year SGF profile that—without any additional resources arriving beginning in the second year—the \$125 million of new funding for FY 2006 can be increased significantly in future years.

It's entirely possible that because of additional demands on our resources for social spending or maintenance of the transportation program, that even sustaining the \$125 million—forget about increasing it—could be next to impossible.

You do not want a master to take over our schools.—David Wysong

Senators McGinn, Ostmeyer, Reitz, Steineger, Teichman and Umbarger request the record to show they concur with the "Explanation of Vote" offered by Senator Barone on **SB 225**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 254**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 3, before line 1, by inserting the following:

"Sec. 2. On July 1, 2005, K.S.A. 65-5402 is hereby amended to read as follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417, inclusive, and K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:

(a) "Board" means the state board of healing arts.

(b) "Practice of occupational therapy" means the therapeutic use of purposeful and meaningful occupations (goal-directed activities) to evaluate and treat, pursuant to the referral, supervision, order or direction of a physician, a licensed podiatrist, a licensed dentist, *a licensed physician assistant, or an advanced registered nurse practitioner working pursuant to the order or direction of a person licensed to practice medicine and surgery, a licensed chiropractor, or a licensed optometrist*, individuals who have a disease or disorder, impairment, activity limitation or participation restriction that interferes with their ability to function independently in daily life roles and to promote health and wellness. Occupational therapy intervention may include:

(1) Remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological or neurological cognitive processes;

(2) adaptation of tasks, process, or the environment or the teaching of compensatory techniques in order to enhance performance;

(3) disability prevention methods and techniques that facilitate the development or safe application of performance skills; and

(4) health promotion strategies and practices that enhance performance abilities.

(c) "Occupational therapy services" include, but are not limited to:

(1) Evaluating, developing, improving, sustaining, or restoring skills in activities of daily living (ADL), work or productive activities, including instrumental activities of daily living (IADL) and play and leisure activities;

(2) evaluating, developing, remediating, or restoring sensorimotor, cognitive or psychosocial components of performance;

(3) designing, fabricating, applying, or training in the use of assistive technology or orthotic devices and training in the use of prosthetic devices;

(4) adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;

(5) applying physical agent modalities as an adjunct to or in preparation for engagement in occupations;

(6) evaluating and providing intervention in collaboration with the client, family, caregiver or others;

- (7) educating the client, family, caregiver or others in carrying out appropriate nonskilled interventions; and
- (8) consulting with groups, programs, organizations or communities to provide population-based services.
- (d) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this act.
- (e) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist.
- (f) "Person" means any individual, partnership, unincorporated organization or corporation.
- (g) "Physician" means a person licensed to practice medicine and surgery.
- (h) "Occupational therapy aide," "occupational therapy tech" or "occupational therapy paraprofessional" means a person who provides supportive services to occupational therapists and occupational therapy assistants in accordance with K.S.A. 65-5419, and amendments thereto.

Sec. 3. K.S.A. 48-3403 is hereby amended to read as follows: 48-3403. (a) A licensee who desires to engage in or practice an occupation or profession in this state after release from military service shall submit, within six months after such release, but not later than two weeks after engaging in or practicing such occupation or profession in this state after such release, the renewal fee required by law for the current license period with a completed renewal application, and thereupon, the licensee shall be deemed to have complied with all requirements of law relating to payment of licensure renewal fees. A licensee who submits the renewal fee and completed renewal application in accordance with this section shall not be charged any late payment fees or penalties. The license of a licensee who fails to renew the license pursuant to this section may be canceled, revoked or suspended in accordance with the applicable law.

(b) A licensee who is required by law to obtain continuing education as a condition prerequisite to renewal of a license shall be ~~given a one-year period of time for fulfillment of such continuing education requirement, such period of time to commence on the date exempt from such continuing education requirement until completion of the next full licensure period so long as~~ the licensee submits the renewal fee and completed renewal application in accordance with subsection (a).

Sec. 4. On July 1, 2005, K.S.A. 65-5402 is hereby repealed.;

And by renumbering sections accordingly;

Also on page 3, in line 1, after "K.S.A." by inserting "48-3403 and"; also in line 1, by striking "is" and inserting "are";

On page 1, in the title, in line 12, after "ACT" by inserting: "relating to certain persons licensed to engage in or practice an occupation or profession; concerning the practice of occupational therapy by persons licensed to practice occupational therapy; concerning continuing education license requirements of persons released from military service.;" in line 13, after "K.S.A." by inserting "48-3403,;" also in line 13, after "65-2872" by inserting "and 65-5402"; also in line 13, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

JIM MORRISON
PEGGY MAST
NANCY KIRK
Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

Senator Barnett moved the Senate adopt the Conference Committee Report on **SB 254**.
On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostneyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2016**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2016, as follows:

On page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 43 and inserting the following:

"Section 1. K.S.A. 8-1343a is hereby amended to read as follows: 8-1343a. As used in K.S.A. 8-1343 through 8-1347, and amendments thereto, "passenger car" means a motor vehicle, *manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts*, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds.

Sec. 2. K.S.A. 8-2502 is hereby amended to read as follows: 8-2502. As used in this act, "passenger car" means a motor vehicle, *manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts*, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds or a vehicle constructed with special features for occasional off-road operation.

Sec. 3. K.S.A. 8-1344 is hereby amended to read as follows: 8-1344. (a) Every driver as defined in K.S.A. 8-1416, and amendments thereto, who transports a child under the age of ~~14~~ 18 years in a passenger car as defined in K.S.A. 8-1343a, and amendments thereto, on a highway as defined in K.S.A. 8-1424, and amendments thereto, shall provide for the protection of such child by properly using:

~~(a)~~ (1) For a child under the age of four years ~~and~~ *an appropriate* child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213 ~~in effect on July 1, 1997; or~~

(2) *for a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or*

~~(b)~~ (3) *for a child ~~four~~ eight years of age but under the age of ~~14~~ 18 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208, except that if the number of children subject to this requirement exceeds the number of passenger securing locations available for use by children affected by this requirement, and all of those securing locations are in use by children, then there is not a violation of this section.*

(b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such requirements, and all of these securing locations are in use by children, then there is not a violation of this section.

(c) The provisions of subsection (a)(2) shall not apply in any seating position where only a lap belt is available.

Sec. 4. K.S.A. 8-1345 is hereby amended to read as follows: 8-1345. (a) It shall be unlawful for any driver to violate the provisions of K.S.A. 8-1344, and amendments thereto,

and upon conviction such driver shall be punished by a fine of ~~\$20~~ \$60. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) ~~Ten dollars of~~ The \$60 fine provided for in subsection (a) ~~and court costs assessed under K.S.A. 28-172a, and amendments thereto;~~ shall be waived if the driver convicted of violating subsection ~~(a)(1) or (a)(2)~~ (a)(1) or (a)(2) of K.S.A. 8-1344, and amendments thereto, provides proof to the court that such driver has purchased or acquired ~~an~~ *the appropriate and* approved child passenger safety restraining system.

(c) No driver charged with violating the provisions of this act shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was ~~14~~ 18 years of age or older at the time the violation was alleged to have occurred.

(d) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of K.S.A. 8-1344, and amendments thereto, shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(e) *From and after the effective date of this act, and prior to July 1, 2006, a law enforcement officer shall issue a warning citation to anyone violating subsection (a)(2) of K.S.A. 8-1344, and amendments thereto.*

Sec. 5. K.S.A. 8-1343a, 8-1344, 8-1345 and 8-2502 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.”;

On page 1, in the title, by striking all in lines 9 through 11 and inserting the following: “AN ACT concerning motor vehicles; relating to the child passenger safety act and the safety belt use act; amending K.S.A. 8-1343a 8-1344, 8-1345 and 8-2502 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

WARD LOYD
THOMAS OWENS
PAUL T. DAVIS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **S Sub for HB 2016**.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Tad-diken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, O'Connor, Pyle.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: As the proud and concerned father of four and in the interest of the innocent; child passenger public safety...I am relieved that I can now support **HB 2016** as returned to the Senate by the Conference Committee. I vote “AYE”.—David Haley

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amend-ments to **HB 2072**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 9, in line 10, after “(c)” by inserting “(1)”; after line 14, by inserting the following: “(2) So long as a person remains continuously enrolled, exclusive of summer sessions, a person who qualifies to pay resident fees by virtue of being a spouse or dependent of a person in military service shall not lose such status because of a divorce or the death of a spouse.”;

And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

TOM SLOAN
EVERETT JOHNSON
SYDNEY CARLIN
Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2072**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2268**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 4, by striking all in lines 13 through 24 and inserting the following:

“New Sec. 5. (a) Any individual may, but is not required, to register a foreign protection order in this state. To register a foreign protection order, an individual shall present a certified copy of the order to the sheriff in the county where the protection order will be enforced. Pursuant to K.S.A. 60-3112, and amendments thereto, the sheriff shall contact the issuing jurisdiction to verify the order and request that such jurisdiction enter the order, if it has not already been entered, into the national criminal information center and other appropriate databases.

(b) A fee shall not be charged for the registration of a foreign protection order.

(c) No sheriff's department accepting or registering a foreign protection order under this section may notify or require notification of the party against whom the protection order was filed of its filing or registration unless the individual protected by the protection order requests that the sheriff's department do so and the respondent has not already been notified of such filing or registration.”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL O'NEAL

JEFF JACK

JANICE L. PAULS

Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2268**.
On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting

1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Barone as a member of the Conference Committee on **SB 266** to replace Senator Kelly.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Vratil moved the Senate reconsider its action to concur on **SB 147**. The motion carried, and **SB 147** remains in conference.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5013, HCR 5014**.

Also passage of **SB 26, SB 295**.

Adoption of **SCR 1604, SCR 1609**.

The House nonconcur in Senate amendments to **HB 2338**, requests a conference and has appointed Representatives Neufeld, Landwehr and Gatewood as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2264**.

The House concurs in Senate amendments to **HB 2301**.

The House concurs in Senate amendments to **HB 2083** and requests the Senate to return the bill.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5013, HCR 5014 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2116**.

The President appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2338**.

The President appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

REPORT ON ENROLLED BILLS

SB 5, SB 19, SB 42, SB 59, SB 60, SB 63, SB 74, SB 94, SB 110, SB 112, SB 121, SB 123, SB 124, SB 133, SB 148, SB 154, SB 175, SB 183, SB 192, SB 194, SB 252, SB 258, SB 268 reported correctly enrolled, properly signed and presented to the Governor on April 1, 2005.

On motion of Senator Schmidt, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2124**.

Also, passage of **SB 195**, as amended by **House Substitute for SB 195, Substitute SB 257**.

The House announces the appointment of Representative Schwartz to replace Representative Landwehr as a conferee on **SB 266**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2124 was thereupon introduced and read by title.

REFERENCE OF HOUSE BILLS

The President referred **HB 2124** to the Committee on Financial Institutions and Insurance.

The President referred **HCR 5013** to the Committee of the Whole.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Morris determined **H Sub for SB 195**, as amended by the House, to be materially changed.

President Morris referred the bill to the Committee on Federal and State Affairs.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2128**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 3, in line 39, by striking “, and amend-”; in line 40, by striking “thereto; (12)”; also in line 40, after “(11)” by inserting “abuse of a child as defined in K.S.A. 21-3609, and amendments thereto; (12)”; in line 41, by striking “(12)” and inserting “(13)”; in line 42, by striking “(13)” and inserting “(14)”;

On page 4, in line 1, by striking “(14)” and inserting “(15)”; in line 2, by striking “(15)” and inserting “(16)”; in line 3, by striking “(16)” and inserting “(17)”; in line 6, by striking “(17)” and inserting “(18)”; in line 8, by striking “(18)” and inserting “(19)”; in line 10, by striking “(19)” and inserting “(20)”;

On page 8, in line 31, by striking “21-”; in line 32, by striking “3509,” also in line 32, by striking “21-3517 when the victim was less”; in line 33, by striking all before “21-3518”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2128**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostneyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.
The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2385**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 6, after line 4, by inserting the following:

“Sec. 3. K.S.A. 8-1012 is hereby amended to read as follows: 8-1012. A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person’s breath to determine the alcohol concentration of the person’s breath if the officer has reasonable grounds to believe that the person: (a) Has alcohol in the person’s body; (b) has committed a traffic infraction; or (c) has been involved in a vehicle accident or collision. At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a traffic infraction; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test. Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action *concerning the operation of or attempted operation of a vehicle* except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.

Sec. 4. K.S.A. 32-1138 is hereby amended to read as follows: 32-1138. A law enforcement officer may request a person who is operating or attempting to operate a vessel within this state to submit to a preliminary screening test of the person’s breath to determine the alcohol concentration of the person’s breath if the officer has reasonable grounds to believe that the person: (a) Has alcohol in the person’s body; (b) has committed a boating law violation; or (c) has been involved in a vessel accident or collision. At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing shall subject the person to the same fine as prescribed by K.S.A. 8-2118 and amendments thereto for refusal to submit to a preliminary breath test; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test. Refusal to take and complete the test as requested shall subject the person to the same fine as prescribed by K.S.A. 8-2118 and amendments thereto for refusal to submit to a preliminary breath test. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 32-1132 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action *concerning the operation of or attempted operation of a vessel* except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 32-1132 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 32-1132 and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 5, after “8-1001” by inserting “, 8-1012, 32-1138”;

In the title, in line 17, after the semicolon by inserting “preliminary screening tests for alcohol use;”; also in line 17, after “8-1001” by inserting “, 8-1012, 32-1138”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2385**.
On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting

1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Taddiken.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

The Committee on Health Care Strategies introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1856—

A RESOLUTION memorializing the Congress of the United States to continue the current federal moratorium on specialty hospitals.

WHEREAS, Provisions of the Medicare Modernization Act of 2003 (MMA) called for an 18-month moratorium on new specialty hospitals, while the Department of Health and Human Services (HHS) and the Medicare Payment Advisory Commission (MedPAC) study related issues; and

WHEREAS, The State of Kansas has seen more growth in the number of specialty hospitals compared to neighboring states; and

WHEREAS, MedPAC has defined criteria that categorizes a specialty hospital as one that receives at least 45% of its Medicare cases in cardiac, orthopedic, or surgical services or at least 66% of its Medicare cases in two of these categories; and

WHEREAS, The trend among specialty hospitals is to carve out the more profitable services in areas such as cardiac, orthopedic and surgery services and leave the full-service community hospital to provide unprofitable services such as trauma, and to care for all, regardless of their ability to pay; and

WHEREAS, Specialty hospitals tend to have lower shares of Medicaid and uninsured patients than full service community hospitals; and

WHEREAS, Most specialty hospitals have little or no obligations under the Emergency Medical Treatment and Labor Act (EMTALA), either because they operate on an ambulatory basis or because they do not have emergency departments(ED); and

WHEREAS, The Senate Committee on Health Care Strategies held numerous hearings this 2005 session on the issue of specialty hospitals and concluded that the Kansas legislature needs to study the issue in more detail, including possible changes to the Kansas hospital licensure law; and

WHEREAS, During its deliberations, the Senate Committee on Health Care Strategies also concluded that federal action such as changing the Medicare reimbursement system is necessary to fully deal with this problem; and

WHEREAS, MedPAC has unanimously endorsed the extension of the current federal moratorium on specialty hospitals: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate memorializes the Congress of the United States to support the recommendations and guidelines provided by the Medicare Payment Advisory Commission and extend the current federal moratorium on specialty hospitals; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas congressional delegation.

Senator Taddiken introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1857—

A RESOLUTION congratulating and commending Kendra Wecker.

WHEREAS, Kendra Wecker of Marysville is a senior at Kansas State University and a forward on the university's womens basketball team; and

WHEREAS, One of the top five players in the country, Kendra Wecker has been a key figure in the women's basketball program's resurgence at Kansas State University. Over the last four seasons, the Wildcats have made four-straight NCAA Tournament appearances, won over 100 games and have been ranked among the nation's top 25 programs for 69 consecutive weeks during her career. The Marysville native is the Big 12 Conference's and school's all-time leading scorer with 2,333 career points and school's all-time leading rebounder with 1,087 career rebounds. Her school-record 52 career double-doubles ranks second all-time in the league record books; and

WHEREAS, A Wade Trophy, Naismith and John R. Wooden Award National Player of the Year finalist, Wecker became the first Wildcat and second player ever in league history to record 2,000 points and 1,000 rebounds in a career. A three-time first team All-Big 12 selection and six-time Big 12 Player of the Week honoree, Wecker was named the 2005 Big 12 Conference Player of the Year. She recently was named a first team All-American by The Associated Press and United States Basketball Writers Association, having been selected twice as a third team All-American in 2003 and 2004; and

WHEREAS, The daughter of Randy and Pam Wecker, Kendra is an electronic journalism major at K-State and should be one of the top five players selected in the upcoming 2005 WNBA Draft in April: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Kendra Wecker for her success as an All-American basketball player at Kansas State University and wish her every success in the future; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Kendra Wecker, KSU Women's basketball, Suite 110, 2323 Anderson Hall, Kansas State University, Manhattan, KS 66502.

On emergency motion of Senator Taddiken **SR 1857** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2124** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Journey in the chair.

On emergency motion of Senator D. Schmidt, **HCR 5013** was advanced on the calendar under the heading of General Orders to the first order of business.

On motion of Senator Journey the following report was adopted:

Recommended **HB 2501** recommending a **S Sub for HB 2501** be adopted, and substitute bill be passed.

SR 1849 be adopted.

HCR 5013, HCR 5017 be adopted.

HB 2406 be amended by adoption of the committee amendments, and the bill be passed as amended.

SR 1850 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **HB 2406**; **S Sub for HB 2501**; **SR 1849**; **HCR 5013**, **HCR 5017** were advanced to final action and roll call.

HB 2406, An act concerning public improvement districts; relating to procedure; financing; property and sales tax authority.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Ostmeyer, Pyle.

Absent or Not Voting: Allen.

The bill passed, as amended.

S Sub HB 2501, An act concerning alcoholic liquor; amending K.S.A. 41-308b and 41-310 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The substitute bill passed.

SR 1849, A resolution supporting a Taiwan-United States free trade agreement.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The resolution was adopted.

HCR 5013, A concurrent resolution concerning endorsement of the participation of Taiwan in the World Health Organization.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The resolution was adopted.

HCR 5017, A concurrent resolution designating the Anthony 9/11 memorial as the official Kansas "9/11 memorial" for 2005 and 2006.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The resolution was adopted.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Journey in the chair.

On emergency motion of Senator D. Schmidt, **HB 2124** was advanced on the calendar under the heading of General Orders to the first order of business.

On motion of Senator Journey the following report was adopted.

Recommended **HB 2124** be passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **HB 2124** was advanced to Final Action and roll call.

HB 2124, An act concerning certificates of title on vehicles; relating to security interest on vehicles registered by a federally recognized Indian tribe; amending K.S.A. 2004 Supp. 8-135 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2203**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 4, by striking all in lines 40 through 43;

By striking all of pages 5 and 6;

On page 7, by striking all in lines 1 through 27;

And by renumbering sections accordingly;

Also on page 7, in line 28, by striking the comma preceding "40-19c06" and inserting "and"; also in line 28, by striking ", 40-" where it appears at the end of the line; in line 29, by striking all before "are";

On page 1, in the title, in line 15, by striking all after the semicolon; in line 16, by striking all before "amending"; in line 17, by striking the comma preceding "40-19c06" and inserting "and"; also in line 17, by striking all after "40-19c06"; in line 18, by striking all before "and" where it appears for the last time;

And your committee on conference recommends the adoption of this report.

RUTH TEICHMAN

DAVID WYSONG

CHRIS STEINEGER

Conferees on part of Senate

CLARK SHULTZ

ERIC CARTER

NILE DILLMORE

Conferees on part of House

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2203**.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn,

Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Pyle.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2357**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 5, in line 32, by striking "insurance company in K.S.A. 40-201" and inserting "insurer in K.S.A. 40-112";

And your committee on conference recommends the adoption of this report.

RUTH TEICHMAN

DAVID WYSONG

CHRIS STEINEGER

Conferees on part of House

CLARK SHULTZ

ERIC CARTER

NILE DILLMORE

Conferees on part of Senate

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2357**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

MESSAGE FROM THE HOUSE

Announcing the House adopts the Conference Committee Report to agree to disagree on **SB 215** and has appointed Representatives Dahl, Novascone and Ruff as second conferees on the part of the House.

The House adopts the conference committee report on **House Substitute for SB 24**.

The House adopts the conference committee report on **SB 36**.

The House adopts the conference committee report on **SB 75**.

The House adopts the conference committee report on **Sub SB 77**.

The House adopts the conference committee report on **SB 78**.

The House adopts the conference committee report on **SB 161**.

The House announces the appointment of Representative Henry to replace Representative Feuerborn as a conferee on **SB 118**.

Announcing the House adopts the conference committee report on **HB 2058**.

The House adopts the conference committee report on **HB 2072**.

The House adopts the conference committee report on **HB 2268**.

The House adopts the Conference Committee Report to agree to disagree on **SB 142** and has appointed Representatives Vickrey, Huy and Holland as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HOUSE Substitute for SB 24**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 5, by striking all in lines 27 through 43;

On page 6, by striking all in lines 1 through 5; in line 6, by striking “, 12-520a and 12-531” and inserting “and 12-520a”;

By renumbering the remaining sections accordingly;

In the title, in line 11, by striking “, 12-520a and 12-531” and inserting “and 12-520a”;

And your committee on conference recommends the adoption of this report.

JENE VICKREY
 BONNIE HUY
 TOM HOLLAND
Conferees on part of House

TIM HUELSKAMP
 KAY O'CONNOR
 ANTHONY HENSLEY
Conferees on part of Senate

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **H Sub for SB 24**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 36**, submits the following report:

The House recedes from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

MICHAEL O'NEAL
 JEFF JACK
 JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
 DEREK SCHMIDT
 GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 36**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 75**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, in line 39, after "(e)" by inserting "In any action exempted under subsection (b), all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss unless the court finds upon the motion of any party that discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

(f)";

And your committee on conference recommends the adoption of this report.

MICHAEL O'NEAL
JEFF JACK
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 75**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting

1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 77**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 43, by striking "or pedestrian stop";

On page 3, in line 8, by striking "attorney general's office" and inserting "Kansas human rights commission";

And your committee on conference recommends the adoption of this report.

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

PETE BRUNGARDT
ROGER P. REITZ
DONALD BETTS, JR.
Conferees on part of Senate

Senator Brungardt moved the Senate adopt the Conference Committee Report on **Sub SB 77**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting

1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 78**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 21, in line 24, by striking all following "6."; by striking all in line 25, in line 26, by striking all preceding "K.S.A.";

On page 22, in line 27, following "member" by inserting "who receives an annual salary of \$50,000 or more"; following line 29, by inserting the following:

"Sec. 7. K.S.A. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "*Clearly unwarranted invasion of personal privacy*" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701 and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405 and amendments thereto.

~~(d)~~ "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

~~(d)~~(e) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

~~(e)~~(f) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, officer, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

(f) (1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

(3) "Public record" shall not include records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subsection shall not apply to records of employers of lump-sum payments for contributions as described in this subsection paid for any group, division or section of an agency.

~~(g)~~(h) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal

law in a capacity where such employee's identity or employment by the public agency is secret.

Sec. 8. ~~From and after January 1, 2006:~~ (a) Each not-for-profit entity that receives public funds *in an aggregated amount of \$350 or more per year* shall be required to document the receipt and expenditure of such funds. Subject to the provisions of subsection (b), each not-for-profit entity which receives public funds *in an aggregated amount of \$350 or more per year*, shall, upon request, make available to any requester a copy of documentation of the receipt and expenditure of ~~all such~~ public funds received by such not-for-profit entity. If such not-for-profit entity's accounting practice does not segregate public funds from other fund sources, the not-for-profit entity's entire accounting of its expenditures and receipts shall be open to the public. *The reporting requirements of this section shall commence on the first day of the fiscal year of such not-for-profit entity which occurs on or after July 1, 2005, and continue for each fiscal year thereafter.*

(b) (1) Except as provided in paragraph (3), any not-for-profit entity that receives public funds that is required by law or the terms of a grant, contract or other agreement to file a written financial report which includes the receipt of public funds and the expenditure of such funds with an agency of the United States, an agency of this state or any political or taxing subdivision thereof, shall be deemed to have fulfilled the requirements of this section upon filing such report. Otherwise an itemized invoice or statement by the not-for-profit entity of the amount of public funds received and the expenditure ~~thereof~~ thereof shall be deemed to have complied with the requirements of this section when such itemized invoice or statement is filed with an agency of the United States, an agency of this state or any political or taxing subdivision thereof, that provided the public funds to the not-for-profit entity.

(2) Any report referred to in paragraph (1) of this subsection, shall be deemed to be a public record of the agency of this state or any political or taxing subdivision thereof and subject to inspection or disclosure in accordance with the Kansas open records act.

(3) Any not-for-profit entity which receives public funds may file in the office of the secretary of state or make available for review in such not-for-profit entity's office, a copy of the detailed audit or accounting of public funds received by such not-for-profit entity.

(c) Each not-for-profit entity may charge and require advance payment of a reasonable fee for providing access to or furnishing copies of documentation of the receipt and expenditure of public funds as required by this section. Such fee shall be determined in the same manner as for a public agency pursuant to K.S.A. 45-219 and amendments thereto. A fee for copies of documentation of the receipt and expenditure of public funds which is equal to or less than \$.25 per page shall be deemed a reasonable fee.

(d) The provisions of this section shall not apply to any:

- (1) Health care provider;
- (2) individual person;
- (3) for profit corporation; or
- (4) partnership.

(e) For the purposes of this section: (1) "Health care provider" shall have the meaning ascribed to it in K.S.A. 65-4915 and amendments thereto. Health care provider shall also include any:

(A) Not-for-profit dental service corporation doing business in this state pursuant to K.S.A. 40-19a01 et seq. and amendments thereto;

(B) not-for-profit medical and hospital corporation doing business in this state pursuant to K.S.A. 40-19c01 et seq. and amendments thereto;

(C) indigent health care clinic as such term is defined in K.S.A. 75-6102 and amendments thereto; and

(D) adult care home as such term is defined in K.S.A. 39-923 and amendments thereto.

(2) "Public funds" means any moneys received from the United States, the state of Kansas or any political or taxing subdivision thereof, or any officer, board, commission or agency thereof.

Sec. 9. K.S.A. 45-217 and 45-229 and K.S.A. 2004 Supp. 45-221, 45-221g, 45-221h, 46-247, 66-1236, 75-4319 and 75-4319b are hereby repealed.;

By renumbering the remaining section accordingly;

In the title, in line 13, following “concerning” by inserting “public information; relating to”; in line 14, following the semicolon, by inserting “relating to open meetings; relating to”; in line 15, by striking “compensation of certain” and inserting “documents filed by certain”; in line 16, preceding “45-229” by inserting “45-217 and”; in line 17, following “46-247” by inserting a comma;

And your committee on conference recommends the adoption of this report.

JENE VICKREY
 BONNIE HUY
 TOM HOLLAND
Conferees on part of House

TIM HUELSKAMP
 KAY O'CONNOR
 DONALD BETTS, JR.
Conferees on part of Senate

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **SB 78**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 142**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

JENE VICKREY
 MARIA GOICO
Conferees on part of House

TIM HUELSKAMP
 KAY O'CONNOR
Conferees on part of Senate

On motion of Senator Huelskamp, the Senate adopted the conference committee report on **SB 142**, and requested a new conference committee be appointed.

The President appointed Senators Huelskamp, O'Connor and Francisco as a second Conference Committee on the part of the Senate on **SB 142**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 161**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, preceding line 24, by inserting the following:

“New Section 1. (a) If an adult offender or juvenile offender has been sentenced to perform community service work by the court, and such offender is performing such services for a governmental entity, private not-for-profit corporation, or charitable or social service organization, such governmental entity, private not-for-profit corporation, or charitable or social service organization or any employee or volunteer of such entities shall not be liable for damages in a civil action for injuries suffered by such offender or for acts or omissions

by such offender unless such governmental entity, private not-for-profit corporation, or charitable or social service organization or any employees or volunteers of such entities actions constitute willful or wanton misconduct or intentionally tortious conduct. The provisions of this section shall not apply to damages arising from the operation of a motor vehicle as defined by K.S.A. 40-3103, and amendments thereto.

(b) As used in this section, "community service work" means public or community service performed by a person (1) as a result of a contract of diversion or immediate intervention entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663, and amendments thereto.;

And by renumbering the remaining sections accordingly;

On page 2, in line 31, by striking " "Employee" "; by striking all in lines 32 through 35 and inserting " "Employee" does not include an individual or entity for actions within the scope of section 1, and amendments thereto."; in line 36, by striking all after "(e)"; by striking all in lines 37 through 43;

On page 3, by striking all in line 1; in line 2, by striking "(f)";

On page 4, in line 5, by striking "(g)" and inserting "(f)"; in line 10, by striking "(h)" and inserting "(g)"; in line 14, by striking "(i)" and inserting "(h)"; in line 16, by striking "(j)" and inserting "(i)"; after line 20, by inserting the following:

"Sec. 3. K.S.A. 2004 Supp. 75-6104 is hereby amended to read as follows: 75-6104. A governmental entity or an employee acting within the scope of the employee's employment shall not be liable for damages resulting from:

(a) Legislative functions, including, but not limited to, the adoption or failure to adopt any statute, regulation, ordinance or resolution;

(b) judicial function;

(c) enforcement of or failure to enforce a law, whether valid or invalid, including, but not limited to, any statute, rule and regulation, ordinance or resolution;

(d) adoption or enforcement of, or failure to adopt or enforce, any written personnel policy which protects persons' health or safety unless a duty of care, independent of such policy, is owed to the specific individual injured, except that the finder of fact may consider the failure to comply with any written personnel policy in determining the question of negligence;

(e) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee, whether or not the discretion is abused and regardless of the level of discretion involved;

(f) the assessment or collection of taxes or special assessments;

(g) any claim by an employee of a governmental entity arising from the tortious conduct of another employee of the same governmental entity, if such claim is (1) compensable pursuant to the Kansas workers compensation act or (2) not compensable pursuant to the Kansas workers compensation act because the injured employee was a firemen's relief association member who was exempt from such act pursuant to K.S.A. 44-505d, and amendments thereto, at the time the claim arose;

(h) the malfunction, destruction or unauthorized removal of any traffic or road sign, signal or warning device unless it is not corrected by the governmental entity responsible within a reasonable time after actual or constructive notice of such malfunction, destruction or removal. Nothing herein shall give rise to liability arising from the act or omission of any governmental entity in placing or removing any of the above signs, signals or warning devices when such placement or removal is the result of a discretionary act of the governmental entity;

(i) any claim which is limited or barred by any other law or which is for injuries or property damage against an officer, employee or agent where the individual is immune from suit or damages;

(j) any claim based upon emergency management activities, except that governmental entities shall be liable for claims to the extent provided in article 9 of chapter 48 of the Kansas Statutes Annotated;

(k) the failure to make an inspection, or making an inadequate or negligent inspection, of any property other than the property of the governmental entity, to determine whether the property complies with or violates any law or rule and regulation or contains a hazard to public health or safety;

(l) snow or ice conditions or other temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the governmental entity;

(m) the plan or design for the construction of or an improvement to public property, either in its original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the governmental entity or some other body or employee exercising discretionary authority to give such approval and if the plan or design was prepared in conformity with the generally recognized and prevailing standards in existence at the time such plan or design was prepared;

(n) failure to provide, or the method of providing, police or fire protection;

(o) any claim for injuries resulting from the use of any public property intended or permitted to be used as a park, playground or open area for recreational purposes, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing such injury;

(p) the natural condition of any unimproved public property of the governmental entity;

(q) any claim for injuries resulting from the use or maintenance of a public cemetery owned and operated by a municipality or an abandoned cemetery, title to which has vested in a governmental entity pursuant to K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing the injury;

(r) the existence, in any condition, of a minimum maintenance road, after being properly so declared and signed as provided in K.S.A. 68-5,102, and amendments thereto;

~~(s) any claim for damages arising from the performance of community service work other than damages arising from the operation of a motor vehicle as defined by K.S.A. 40-3103, and amendments thereto;~~

~~(t) any claim for damages arising from the operation of vending machines authorized pursuant to K.S.A. 68-432 or K.S.A. 75-3343a, and amendments thereto;~~

~~(u) providing, distributing or selling information from geographic information systems which includes an entire formula, pattern, compilation, program, device, method, technique, process, digital database or system which electronically records, stores, reproduces and manipulates by computer geographic and factual information which has been developed internally or provided from other sources and compiled for use by a public agency, either alone or in cooperation with other public or private entities;~~

~~(v) any claim arising from providing a juvenile justice program to juvenile offenders, if such juvenile justice program has contracted with the commissioner of juvenile justice or with another nonprofit program that has contracted with the commissioner of juvenile justice. The provisions of this section do not apply to community service work within the scope of section 1, and amendments thereto;~~

~~(w) performance of, or failure to perform, any activity pursuant to K.S.A. 74-8922, and amendments thereto, including, but not limited to, issuance and enforcement of a consent decree agreement, oversight of contaminant remediation and taking title to any or all of the federal enclave described in such statute;~~

~~(x) any claim arising from the making of a donation of used or excess fire control, fire rescue, or emergency medical services equipment to a fire department, fire district, volunteer fire department, medical emergency response team or the Kansas forest service if at the time of making the donation the donor believes that the equipment is serviceable or may be made serviceable. This subsection also applies to equipment that is acquired through the Federal Excess Personal Property Program established by the Federal Property and Administrative Services Act of 1949 (P.L. 81-152; 63 stat. 377; 40 United States Code Section 483). This subsection shall apply to any breathing apparatus or any mechanical or electrical device which functions to monitor, evaluate, or restore basic life functions, only~~

if it is recertified to the manufacturer's specifications by a technician certified by the manufacturer; or

(x) any claim arising from the acceptance of a donation of fire control, fire rescue or emergency medical services equipment, if at the time of the donation the donee reasonably believes that the equipment is serviceable or may be made serviceable and if after placing the donated equipment into service, the donee maintains the donated equipment in a safe and serviceable manner.

The enumeration of exceptions to liability in this section shall not be construed to be exclusive nor as legislative intent to waive immunity from liability in the performance or failure to perform any other act or function of a discretionary nature.”;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 21, by striking “is” and inserting “and 75-6104 are”;

In the title, in line 10, by striking “tort claims” and inserting “civil procedure”; in line 12, after “75-6102” by inserting “and 75-6104”; also in line 12, by striking “section” and inserting “sections”;

And your committee on conference recommends the adoption of this report.

MICHAEL O'NEAL

JEFF JACK

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 161**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 215**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

DONALD L. DAHL

CANDY RUFF

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

On motion of Senator Vratil, the Senate adopted the conference committee report on **SB 215**, and requested a new conference committee be appointed.

The President appointed Senators Vratil, D. Schmidt and Goodwin as a second Conference Committee on the part of the Senate on **SB 215**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2109**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
LES DONOVAN
GRETA GOODWIN
Conferees on part of Senate

GARY K. HAYZLETT
JOHN FABER
MARGARET E. LONG
Conferees on part of House

On motion of Senator Vratil, the Senate adopted the conference committee report on **HB 2109**, and requested a new conference committee be appointed.

The President appointed Senators Vratil, Donovan and Goodwin as a second Conference Committee on the part of the Senate on **SB 2109**.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **SB 27**.

The House adopts the conference committee report on **SB 147**.

The House adopts the conference committee report on **HB 2128**.

The House adopts the conference committee report on **HB 2203**.

The House adopts the conference committee report on **HB 2385**.

The House concurred in Senate amendments to **HB 2406**.

The House concurred in Senate amendments to **Senate Substitute to HB 2501**.

The House adopts the Conference Committee Report to agree to disagree on **HB 2109** and has appointed Representatives Hayzlett, Faber and Long as second conferees on the part of the House.

The House adopts the Conference Committee Report to agree to disagree on **SB 102** and has appointed Representatives O'Neal, Carter and Peterson as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 27**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, in line 23, after "Section 1." by inserting "On and after June 1, 2005,";

On page 3, in line 17, by striking "It shall be unlawful for" and inserting "For"; after line 31, by inserting the following:

"(l) For any person to sell or distribute in a pharmacy four or more packages or containers of any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, to a specific customer within any seven-day period.";

Also on page 3, in line 32, after "Sec. 2." by inserting "On and after June 1, 2005,";

On page 4, in line 35, after "preparations" by inserting "of ephedrine or pseudoephedrine"; in line 36, by striking all after "form"; in line 37, by striking all before the period;

On page 5, in line 43, by striking "It shall be unlawful for any person to purchase,";

On page 6, by striking all in lines 1, 2 and 3; in line 4, by striking "(e)"; in line 8, following "licensed" by inserting "or certified"; in line 9, by striking "(f)" and inserting "(e)"; in line 22, by striking "board" and inserting "bureau";

On page 7, in line 18, following "licensed" by inserting "or certified"; in line 33, following "censed" by inserting "or certified";

On page 8, in line 23, by striking "65-1643, 65-4113,"; after line 24, by inserting the following:

"Sec. 11. On and after June 1, 2005, K.S.A. 65-1643 and 65-4113 are hereby repealed.";

And by renumbering the remaining section accordingly;

And your committee on conference recommends the adoption of this report.

WARD LOYD
THOMAS C. OWENS
PAUL DAVIS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 27**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 102**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MICHAEL O'NEAL
ERIC CARTER
Conferees on part of House

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

On motion of Senator Vratil, the Senate adopted the conference committee report on **SB 102**, and requested a new conference committee be appointed.

The President appointed Senators Vratil, D. Schmidt and Goodwin as a second Conference Committee on the part of the Senate on **SB 102**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 147**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

In the title, in line 14, by striking "the limitation of actions" and inserting "crimes, punishment and criminal procedure; relating to offenses against children";

And your committee on conference recommends the adoption of this report.

WARD LOYD
THOMAS C. OWENS
PAUL DAVIS
Conferees on part of House

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 147**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2109**, submits the following report:

The Senate recedes from all of its amendments to the bill and your committee on conference further agrees to amend the bill as printed as originally introduced, as follows:

On page 1, in line 17, following the comma, by inserting "or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts,"; in line 24, following the comma, by inserting "or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts,";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
LES DONOVAN
GRETA GOODWIN
Conferees on part of Senate

GARY K. HAYZLETT
JOHN FABER
MARGARET E. LONG
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2109**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2116**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 24, by striking "New"; in line 33, by striking "New";

On page 2, in line 15, by striking "New"; in line 40, by striking "New";

On page 3, by striking all in lines 16 through 43;

By striking all on pages 4 through 9;

On page 10, by striking all in lines 1 through 35;

And by renumbering the remaining section accordingly;

In the title, in line 14, by striking "powers and duties"; in line 15, by striking all before "disposition" and inserting "wildlife and parks; concerning the"; in line 16, by striking all after "moneys"; by striking all in lines 17 through 19;

And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

MELVIN NEUFELD
SHARON SCHWARTZ
JERRY WILLIAMS
Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2116**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2262**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 30, by striking "or the governor";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

MICHAEL O'NEAL
JEFF JACK
JANICE L. PAULS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2262**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2338**, submits the following report:

The Senate recedes from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

DUANE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

MELVIN NEUFELD
BRENDA LANDWEHR
DOUG GATEWOOD
Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2338**.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2386**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 2, in line 15, by striking "direct"; also in line 15, by striking "offender" and inserting "juvenile justice authority or juvenile community supervision agency"; in line 16, by striking "direct"; in line 17, by striking "offender" and inserting "juvenile justice authority or juvenile community supervision agency and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision";

On page 3, in line 33, by striking "juveniles" and inserting "juvenile offenders"; in line 36, after "thereto" by inserting ", and the Kansas juvenile justice code, K.S.A. 38-1601 et seq., and amendments thereto"; in line 40, by striking "and"; in line 42, by striking the period and inserting "; and

(13) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the juvenile justice authority.";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

WARD LOYD
THOMAS C. OWENS
PAUL DAVIS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2386**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn,

Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

ORIGINAL MOTION

President Morris ruled **H Sub for SB 195** not having been materially changed, be withdrawn from the Committee on Federal and State Affairs and be returned to the calendar under the heading of Consideration of Motions to Concur or Nonconcur.

Senator Brungardt moved the Senate nonconcur in the House amendments and requested a conference committee be appointed.

Senator Journey offered a substitute motion to concur.

H Sub for SB 195, An act concerning firearms; relating to the definition thereof; disposition; regulation; training of certain persons; amending K.S.A. 21-4206, 74-5607 and 79-5212 and K.S.A. 2004 Supp. 21-3110, 60-4117, 79-3235, 79-3617, 79-5205 and 79-5211 and repealing the existing sections.

On roll call, the vote was: Yeas 28, Nays 11, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Steineger, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Betts, Brungardt, Emler, Francisco, Goodwin, Lee, Reitz, Schmidt V, Schodorf, Vratil, Wysong.

Absent or Not Voting: Allen.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "no," not because I do not support the subject matter, but because I cannot support the procedure followed. This bill was passed by the House with extensive changes just this morning. Senators were not even given the courtesy of seeing a copy of the bill before we were asked to vote on significant change in law this afternoon. That is the worst possible public policy. Why bother to have rules or two chambers in the Legislature.—JAY EMLER

ORIGINAL MOTION

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **SB 216**.

The President appointed Senators Barnett, V. Schmidt and Haley as second conferees on the part of the House.

MESSAGE FROM THE HOUSE

Announcing the House announces the appointment of Representatives Vickrey, Huy and Holland to replace Representatives Jim Morrison, Mast and Kirk as conferees on **SB 216**.

CHANGE OF CONFERENCE

The President announced the appointment of Senators Huelskamp, O'Connor and Francisco as members of the Conference Committee on **SB 216** to replace Senators Barnett, V. Schmidt and Haley.

REPORT ON ENGROSSED BILLS

SB 39 reported correctly engrossed March 31, 2005.

Also, **SB 4**, **SB 7**, **SB 69** correctly re-engrossed April 1, 2005.

STRICKEN FROM THE CALENDAR

On motion of Senator D. Schmidt **SR 1850**; **S Sub for HB 2084** were stricken from the calendar.

APRIL 1, 2005

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On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Wednesday, April 27, 2005.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

