

# Journal of the Senate

SIXTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Saturday, May 8, 2004—9:00 a.m.

The Senate was called to order by President Dave Kerr.  
The roll was called with thirty-seven senators present.  
Senators Downey, Haley and Vratil were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

How do I decide which way to vote? Most of the bills we vote on are not controversial. But some are very controversial. How do I decide which way to vote?

Do I vote the way that does the most for me?

Do I vote the way my party votes?

Do I vote the way most of my constituents want me to vote?

Do I vote the way I believe is the right way?

Do I vote the way that brings glory to You, O God?

Your apostle Paul, writing to the Corinthians, said, "So whether you eat or drink, or whatever you do, do it all for the glory of God."

But what does that mean—to bring glory to God?

I believe it means to vote the way that you believe Jesus would vote if He were in your place. Many years ago after I mentioned this in an invocation a Senator told me, "But Chaplain, they crucified Jesus!" "Yes," I replied, "But He was dead only three days."

Lord, help us to think Your thoughts, say Your words, and do Your deeds.

I pray in the Name of Christ,

AMEN

## CHANGE OF CONFERENCE

The President announced the appointment of Senator Barone as a member of the Conference Committee on **H Sub for SB 536; S Sub for HB 2471** to replace Senator Downey.

Senator Kerr was appointed as a member of the Conference Committee on **HB 2027** to replace Senator Vratil.

On motion of Senator Oleen, the Senate recessed until the sound of the gavel.

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The Senate met pursuant to recess with President Kerr in the chair.

## ORIGINAL MOTION

Senator Oleen moved joint rule 3(f) be suspended and the Senate dispense with distribution of copies of the Conference Committee report on **HB 2027**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT AND MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2027**, 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, by striking all in lines 23 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 35; following line 35, by inserting:

“Section 1. K.S.A. 72-6405 is hereby amended to read as follows: 72-6405. (a) K.S.A. 72-6405 through 72-6440 *et seq.*, and amendments thereto, shall be known and may be cited as the school district finance and quality performance act.

(b) ~~The provisions of this section shall take effect and be in force from and after July 1, 1992.~~ *The provisions of this act are severable. If any provision of this act is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would have enacted the remainder of this act without such invalid or unconstitutional provision.*

Sec. 2. K.S.A. 2003 Supp. 72-6407 is hereby amended to read as follows: 72-6407. As used in this act:

(a) (1) “Pupil” means any person (A) who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district ~~or~~; (B) who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, ~~or~~; *or* (C) who is regularly enrolled in a district and attending special education *and related* services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in *paragraph (3) of this subsection*, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil’s attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil’s postsecondary education enrollment and attendance together with the pupil’s attendance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil’s postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil’s vocational education enrollment and attendance together with the pupil’s attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil’s vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted. *A pupil enrolled in*

a virtual school in a district but who is not a resident of the state of Kansas shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than 5,500 preschool-aged at-risk pupils to be counted in any school year.

(e) "Enrollment" means:

(1) (A) *Subject to the provisions of paragraph (1)(B)*, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this ~~clause~~ *paragraph (1)*, the number of pupils regularly enrolled in the district on September 20;

(B) *a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one trimester or two quarters, or the equivalent thereof;*

(2) If enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; ~~or~~.

(3) *For districts affected by a disaster, as defined by K.S.A. 72-6447, and amendments thereto*, the number of pupils as determined under K.S.A. 72-6447, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, *special revenues weighting*, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means: (1) Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail;

(2) any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and

(3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any kindergarten or grades one through 12 course offered for credit that uses distance-learning technologies which predominantly use internet-based methods to deliver instruction and for which the course content is available on an "anytime, anyplace" basis, but the instruction occurs asynchronously with the teacher and pupil in separate locations, not necessarily located within a local education agency.

(q) "Special revenues weighting" means an addend component assigned to enrollment of districts determined pursuant to section 5, and amendments thereto.

Sec. 3. K.S.A. 72-6413 is hereby amended to read as follows: 72-6413. The program weighting of each district shall be determined by the state board as follows:

(a) Compute full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by ~~0.2~~ .22 for school year 2004-2005, and by 0.2 for all other school years;

(b) compute full time equivalent enrollment in approved vocational education programs and multiply the computed enrollment by 0.5;

(c) add the products obtained under ~~(a) and (b)~~ subsections (a) and (b). The sum is the program weighting of the district.

~~(d) The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

Sec. 4. K.S.A. 72-6414 is hereby amended to read as follows: 72-6414. (a) The at-risk pupil weighting of each district shall be determined by the state board by multiplying the number of at-risk pupils included in enrollment of the district by ~~10~~ .14 for school year

2004-2005 and by .10 for all other school years. The product is the at-risk pupil weighting of the district.

(b) Except as provided in subsection (d), of the amount a district receives from the at-risk pupil weighting, an amount produced by a pupil weighting of .01 shall be used by the district for achieving mastery of basic reading skills by completion of the third grade in accordance with standards and outcomes of mastery identified by the state board under K.S.A. 72-7534, and amendments thereto.

(c) A district shall include such information in its at-risk pupil assistance plan as the state board may require regarding the district's remediation strategies and the results thereof in achieving the third grade reading standards and outcomes of mastery identified by the state board. The reporting requirements shall include information documenting remediation strategies and improvement made by pupils who performed below the expected standard on the second grade diagnostic reading test prescribed by the state board.

(d) A district whose pupils substantially achieve the state board standards and outcomes of mastery of reading skills upon completion of third grade may be released, upon request, by the state board from the requirements of subsection (b).

New Sec. 5. (a) The special revenues weighting of each district shall be determined by the state board as follows:

(1) Determine the full-time equivalent enrollment of the district on September 20, 2004;

(2) multiply the amount determined under paragraph (1) by \$65;

(3) divide the amount determined under paragraph (2) by base state aid per pupil. The quotient is the special revenues weighting of the district.

(b) The provisions of this section shall expire June 30, 2005.

New Sec. 6. (a) Sections 7 through 10, and amendments thereto, shall be known and may be cited as the school-based budget law.

(b) The purpose of this law is to require school districts to prepare a budget which provides the taxpayers of the school district with as much information as possible at a building-level within the district.

(c) The requirements imposed by the school-based budget law shall be in addition to the requirements imposed pursuant to the general budget law.

(d) The provisions of the school-based budget law shall expire June 30, 2005.

New Sec. 7. As used in the school-based budget law:

(a) "Board" means the board of education of a school district.

(b) "Budget" or "school district budget" means the budget of the school district as a whole.

(c) "Sub-budget" means a budget for each school building in a school district.

(d) "School building" means any attendance center operated and maintained by the board. Each elementary school, junior high school, middle school and high school shall be counted as a separate attendance center even if two or more such schools are located at or in the same facility.

(e) "School districts" mean U.S.D. No. 305, U.S.D. No. 443, U.S.D. No. 453 and U.S.D. No. 501 and two other school districts designated by the state board of education, having an enrollment of less than 300 pupils.

New Sec. 8. (a) Based upon recommendations by the state department of education, the director of accounts and reports shall prepare and prescribe forms for the annual budget, summary of the proposed budget of school districts and the sub-budgets for school buildings in school districts. The state department of education shall make such recommendations after considering the best practices and standards established by the government finance officers association and the association of school business officials. Subject to subsection (i), such forms shall show the information required by the general budget law, school-based budget law and any other state or federal law necessary and proper to disclose complete information as to the financial condition of school districts, and the receipts and expenditures thereof, both past and anticipated.

(b) (1) Subject to subsection (i), the school district budget form shall include an aggregate listing of the amount of expenditures for salaries, wages and any fringe benefits for the following:

- (A) Administrators, listed by individual category;
  - (B) persons employed full-time as teachers;
  - (C) persons employed as teachers' aides;
  - (D) special education teachers;
  - (E) special education paraprofessionals;
  - (F) other certified employees who are not employed full-time as teachers, listed by individual category, including but not limited to, nurses, librarians and counselors;
  - (G) classified employees;
  - (H) substitutes and other temporary employees; and
  - (I) other positions designated by the state department of education.
- (2) Subject to subsection (i), the school district budget form shall show the total amount of expenditures for salaries, wages and fringe benefits for persons listed in paragraph (1) of this subsection.
- (3) Subject to subsection (i), the school district budget form shall show the amount of expenditures, in the aggregate for salaries, wages and fringe benefits for persons listed in paragraph (1) of this subsection from each fund of the district and from any federal funds. The form also shall show the total amount of expenditures for such salaries, wages and fringe benefits.
- (4) The school district budget form shall show the number of employee positions specified in paragraph (1) of this subsection, except for substitute teachers.
- (c) The school district budget form shall show as separate items estimated expenditures for district-wide purposes or programs and the estimated revenue for such expenditures, with the amount estimated to be received from each source separately stated. Items of expenditures and receipts required to be included on the budget form pursuant to this subsection shall include, but not be limited to:
- (1) Central administrative costs of the district including operating and maintenance costs of the central office;
  - (2) adult education;
  - (3) adult supplementary education;
  - (4) parent education;
  - (5) driver training;
  - (6) food service;
  - (7) capital outlay;
  - (8) summer school;
  - (9) extraordinary school programs;
  - (10) special liability expenses;
  - (11) extraordinary growth facilities;
  - (12) contingency reserve;
  - (13) textbook and student materials;
  - (14) transportation;
  - (15) data processing;
  - (16) bond and interest;
  - (17) gifts and bequests;
  - (18) student support;
  - (19) instruction;
  - (20) instructional staff support; and
  - (21) student activities.
- (d) Subject to subsection (i), expenditures for special education and related services shall be shown on the budget form of the district as follows:
- (1) Except as provided by paragraph (2), a school district that obtains special education and related services pursuant to a cooperative agreement or an interlocal agreement shall show the expenditure as a transfer made at the district level in the central office budget;
  - (2) the board of directors of an interlocal and the sponsoring district of a cooperative shall show expenditures for special education and related services, using the format and coding developed by the department for a building sub-budget;
  - (3) a school district that provides its own special education and related services and which is not a party to an interlocal agreement or a cooperative agreement shall show

expenditures on a district-wide basis using the format and coding developed by the department for a building sub-budget.

(e) Subject to subsection (i), the sub-budget form for each school building shall show the estimated amount of expenditures attributed to each school building from the:

- (1) General fund;
- (2) supplemental general fund;
- (3) bilingual education fund;
- (4) professional development fund; and
- (5) federal funds.

(f) (1) Subject to subsection (i), the sub-budget form for each school building shall include an aggregate listing of the amount of expenditures for salaries, wages and fringe benefits for the following persons employed at such building:

- (A) Administrators, listed by individual category;
- (B) persons employed full-time as teachers;
- (C) persons employed as teachers' aides;
- (D) special education teachers;
- (E) special education paraprofessionals;
- (F) other certified employees who are not employed full-time as teachers, listed by individual category, including but not limited to, nurses, librarians and counselors;
- (G) classified employees;
- (H) substitutes and other temporary employees; and
- (I) other positions designated by the state department of education.

(2) Subject to subsection (i), the sub-budget form for each school building shall show the total number of pupils, the number of special education pupils and the number of nonspecial education pupils at the building.

(3) Subject to subsection (i), the sub-budget form for each school building shall show the pupil to (certified) teacher ratio.

(4) Subject to subsection (i), the sub-budget form for each school building shall show the total square footage of the building.

(g) The summary of the proposed budget of the school district form shall include:

- (1) An overview of the proposed budget of the school district and the budgetary process;
- (2) a summary of the changes in the proposed budget from the previous budget year;
- (3) a summary of the estimated expenditures to be made and revenues to be received in the ensuing budget year and the sources of such revenue;
- (4) the total number of pupils in the district;
- (5) the number of students by classification including, but not limited to, special education, bilingual, at-risk, minority and sex; and
- (6) the internet website address for school building report cards compiled by the state department of education.

(h) Forms required by this section shall show any other information required by the state department of education.

(i) Each school district shall prepare its budgets and each sub-budget using the format and standard coding system of expenditures and receipts prescribed by the department pursuant to section 10, and amendments thereto.

(j) Any transfer from the general fund of the school district for a district-wide program shall be shown as an expenditure of such program and not as an expenditure attributable to the central office.

(k) Nothing in this section shall be construed as limiting the authority of school districts to develop and provide material or information in addition to that required by the state department of education.

(l) The state department of education shall provide technical advice and assistance to school districts to insure compliance with the provisions of this section.

(m) All forms required by this section and tax levy forms shall be printed by the division of printing in such quantity as required by the director. The director shall deliver the forms for school districts to the clerk of the board of education of each school district.

(n) Subject to the provisions of subsection (i), expenditures for area vocational schools shall be shown on the budget form of the district as a transfer made at the district level in the central office budget.

New Sec. 9. School districts shall not be required to comply with the provisions of the school-based budget law unless the legislature appropriates moneys for the payment of the costs of such compliance by such districts. Such moneys shall be in addition to any state aid or moneys the state is otherwise required to provide to school districts.

New Sec. 10. (a) The state department of education shall design a budget and sub-budget format and a standard coding system to be used by school districts when preparing the budget and sub-budgets of the district as required by the school-based budget law.

(b) The forms shall be designed to show expenditures and receipts of the central office of the district using the same format and coding system as used to prepare the sub-budgets of the district.

(c) The forms shall be designed to show expenditures and receipts for operations and maintenance of each school building as a building-level expenditure in the sub-budget of such building using the same format and coding system to prepare the sub-budgets of the district.

Sec. 11. K.S.A. 2003 Supp. 72-8247 is hereby amended to read as follows: 72-8247. (a) On or before October 1 of each year, the board of education of each school district shall provide to a newspaper of general circulation within the district a statement showing the name, position ~~and~~ salary ~~and any fringe benefits~~ of the superintendent, deputy superintendents, assistant superintendents, directors, principals and any other administrator with district-wide responsibilities of such school district.

(b) The provisions of this section shall expire on June 30, 2006.

Sec. 12. K.S.A. 79-2925 is hereby amended to read as follows: 79-2925. (a) ~~This act K.S.A. 79-2925 through 79-2937, and amendments thereto, shall be known and may be cited as the general budget law.~~

(b) ~~Except as provided by this section, the general budget law shall apply to all taxing subdivisions or municipalities of the state, except:~~

(c) ~~The general budget law shall not apply to:~~

(1) Townships in counties having the county road unit system which have an annual expenditure of less than ~~two hundred dollars;~~ \$200.

(2) Any money received by such taxing subdivision or municipality as a gift or bequest;

(3) Any revolving fund ~~set up established~~ for the operation of a municipal airport. Any city, board of park commissioners; or other agency designated and authorized to operate a municipal airport ~~is hereby authorized to set up~~ *may establish* a revolving fund for use as an operating fund, either out of the budget or out of the receipts from the operation of such airport, in an amount as may be reasonable and necessary as an operating fund for the efficient and business-like operation of such airport. The financial transactions of ~~said the~~ airport shall be audited in accordance with the minimum standard audit program prescribed by the director of accounts and reports as other municipal funds. Profits arising from the operation of the airport after the payment of all necessary operating expenses and the establishment of the revolving fund shall be applied to reduce the tax levy for the budgeted fund under which the operation of such airport is financed;

(4) Any special recreation facilities reserve ~~set up established~~ by the board of park commissioners in any city for the repair, replacement, or addition to the recreation facilities of such city. The financial transactions of ~~said the~~ recreation facilities shall be audited in accordance with the minimum standard audit program prescribed by the director of accounts and reports as other municipal funds. Profits arising from the coliseum events fund and the coliseum concessions, after the payment of all necessary expenses, and the establishment and maintenance of such special recreation facilities reserve shall be applied to reduce the tax levy for the budget fund under which the operation of such recreation facilities is financed; ~~and~~.

(5) Any special recreation facilities fund ~~set up established~~ by the board of county commissioners for the operation of a county coliseum. The financial transactions of the special recreation facilities fund shall be audited in accordance with the minimum standard audit program prescribed by the director of accounts and reports as other municipal funds. Mon-

eys derived from the operation of a county coliseum and deposited in the special recreation facilities fund shall be applied to reduce the tax levy for the budget fund under which the operation of such county coliseum is financed.

~~(b) Whenever the term "fund" is used in this act it is intended to have reference to those funds which are~~

~~(d) As used in the general budget law:~~

~~(1) "Fund" means any fund authorized by statute to be established. "Fund" is not intended to mean the individual budgeted items of a fund, but is intended to have reference to the total of such individual items.~~

~~(c) Whenever the term "director" is used in this act it shall mean the state director of property valuation.~~

~~(2) "Director" means the director of accounts and reports.~~

Sec. 13. K.S.A. 2003 Supp. 79-2926 is hereby amended to read as follows: 79-2926. (a) Subject to the provisions of subsection (b), the director of accounts and reports shall prepare and prescribe forms for the annual budgets of all taxing subdivisions or municipalities of the state. Such forms shall show the information required by this act necessary and proper to disclose complete information as to the financial condition of such taxing subdivision or municipality, and the receipts and expenditures thereof, both past and anticipated.

(b) (1) ~~From and after July 1, 2004 and~~ Based upon recommendations by the state department of education, the director shall prepare and prescribe forms for the annual budget and a summary of the proposed budget of school districts. The state department of education shall make such recommendations after considering the best practices and standards established by the government finance officers association and the association of school business officials.

(2) (A) The school district budget form shall include a separate table outlining the aggregate amount of expenditures for salaries and wages for the following categories:

- (i) Certified and noncertified administrators;
- (ii) persons employed full-time as teachers;
- (iii) other certified employees who are not employed full-time as teachers;
- (iv) classified employees;
- (v) other positions designated by the state department of education; and
- (vi) substitutes and other temporary employees.

(B) The school district budget form shall show the number of full-time employee positions specified in paragraph (A) of this subsection and the average salaries or wages for such positions.

(C) The school district budget form shall show any other information recommended by the state department of education.

(3) The summary of the proposed budget form shall include:

- (A) An overview of the proposed budget of the school district and the budgetary process;
- (B) a summary of the changes in the proposed budget from the previous budget year;
- (C) a summary of the estimated expenditures to be made and revenues to be received in the ensuing budget year and the sources of such revenue;
- (D) the internet website address for school building report cards compiled by the state department of education; and
- (E) any other information specified by the state department of education.

(4) Nothing in this subsection (b) shall be construed as limiting the authority of school districts to develop and provide material or information in addition to that required by the state department of education.

(5) The state department of education shall provide technical advice and assistance to school districts to insure compliance with the provisions of this section.

(c) All such budget and tax levy forms shall be printed by the division of printing in such quantity as required by the director. ~~The director shall deliver the forms for school districts to the clerk of the board of education of each school district. Except as provided, for school districts subject to the provisions of the school-based budget law, and amendments thereto, the forms for all other taxing subdivisions or municipalities of the state shall be delivered by the director to the county clerk of each county, who shall deliver the same to~~

the presiding officer of the governing body of the respective taxing subdivisions or municipalities within the county.

New Sec. 14. (a) Whenever a state educational institution, as defined by K.S.A. 76-711, and amendments thereto, has determined that an individual qualifies as a resident for the purposes of fees and tuition pursuant to K.S.A. 76-719 or 76-729, and amendments thereto, such individual shall be considered a resident for the purposes of fees and tuition at any state educational institution.

(b) If the facts pertaining to an individual have changed regarding a necessary element relating to the determination that an individual qualified as a resident for the purposes of fees and tuition as provided in subsection (a), the original determination no longer shall be binding on any state educational institution.

(c) The provisions of this section shall apply to any determination of residency made from and after January 1, 2003, and shall expire on July 1, 2005. The difference between out-of-state tuition paid and the established resident fee shall be refunded to any individual to whom subsection (a) applies.

New Sec. 15. (a) Whenever a state educational institution, as defined by K.S.A. 76-711, and amendments thereto, has determined that an individual qualified as a resident for the purposes of fees and tuition pursuant to K.S.A. 76-719 or 76-729, and amendments thereto, and a subsequent determination by another state educational institution differs, an applicant may appeal the second determination to the chief executive officer of the state board of regents, or such officer's designee, if such determination is within 12 months of the prior determination.

(b) Any such appeal shall be submitted in writing to the chief executive officer no later than 15 days following receipt of notification of the determination to be appealed.

(c) The state educational institution shall cooperate in any appeal and provide full copies of the applicant's documentation for residency determination.

(d) The chief executive officer of the state board of regents may request additional information pertinent to the appeal from the applicant or from the state educational institution.

(e) A final determination shall be made no later than 30 days following the receipt of written appeal.

(f) The provisions of this section shall control conflicting determinations of residency when at least one determination was made subsequent to July 1, 2004.

(g) The state board of regents may adopt any rules and regulations necessary to implement the provisions of this section.

Sec. 16. K.S.A. 2003 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:

(1) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, and technical colleges.

(2) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.

(3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(4) "Firefighter" means a person who is: (1) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (2) a volunteer member of a fire district, fire department or fire company.

(5) "Emergency medical services attendant" means a first responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-

defibrillator or a mobile intensive care technician certified by the emergency medical services board pursuant to the statutory provisions contained in article 61 of chapter 65 of Kansas Statutes Annotated.

(6) "Dependent" means (A) a birth child, adopted child or stepchild ~~of a public safety officer~~ or (B) any child other than the foregoing who is actually dependent in whole or in part on ~~a public safety officer~~ *an individual* and who is related to the ~~public safety officer individual~~ by marriage or consanguinity.

(7) "State board" means the state board of regents.

(8) "Military service" means *any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.*

(9) "Prisoner of war" means *a person who was a prisoner of war under article 4 of the third Geneva convention and any individual who was in military service in an armed conflict and who was taken prisoner of war by opposing forces, whether or not under an official declaration of war.*

(10) "Resident of Kansas" means *a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.*

(11) "Spouse" means *the unmarried spouse of a deceased public safety officer or deceased military service person.*

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent *or spouse* of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent *or spouse* is eligible; (2) *any dependent or spouse of any legal resident of Kansas who is killed on or after March 1, 2003, while, and as a result of, serving in the United States military; and (3) any prisoner of war.* Any such dependent *or spouse and any prisoner of war* shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed eight semesters of undergraduate instruction, or the equivalent thereof, at all such institutions, ~~in the aggregate, for any such dependent.~~

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of ~~the a prisoner of war or a dependent of a deceased public safety officer or spouse~~ is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents *or spouses or prisoners of war* are enrolled for the total amount of tuition and fees not charged ~~eligible dependents~~ for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which *any* such eligible ~~dependent or dependents or spouses or prisoners of war~~ are enrolled. If an eligible dependent *or spouse or prisoner of war* discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent *or spouse or prisoner of war* would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent *or spouse or prisoner of war* for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents *and spouses* of public safety officers *or United States military personnel* and the eligibility of such persons for the benefits provided for under this section.

New Sec. 17. Sections 17 through 23, and amendments thereto, shall be known and may be cited as the emergency medical services training and educational assistance act.

New Sec. 18. As used in the emergency medical services training and educational assistance act:

(a) Words and phrases have the meanings provided by K.S.A. 65-6112, and amendments thereto.

(b) "Medically-related field of study" includes, but is not limited to, medicine, pre-medicine, nursing, pre-nursing, respiratory therapy, physical therapy, sports medicine, radiologic technology and any other field of study approved pursuant to rules and regulations adopted by the board.

(c) "Postsecondary educational institution" has the meaning provided by K.S.A. 74-3201b, and amendments thereto.

(d) "Underserved area" means a geographic area of the state in which there is a shortage of attendants as determined and specified by the board.

(e) "Eligible ambulance service" means an ambulance service which provides emergency medical services in an underserved area of the state.

(f) "Eligible attendant" means a person who is a resident of the state and who is a volunteer member of an eligible ambulance service or who intends to become a volunteer member of an eligible ambulance service upon completion of training required for certification or renewal of certification under K.S.A. 65-6101 et seq., and amendments thereto.

(g) "Volunteer member" means a person who performs emergency medical services for an ambulance service, but does not receive compensation, either directly or indirectly, for those services.

(h) "Compensation" does not mean:

(1) Actual and necessary expenses incurred by a volunteer member and that are reimbursed or otherwise paid; or

(2) nominal amounts paid to members, if the amount does not exceed the limit prescribed by rules and regulations of the board.

(i) "Training" means: (1) Initial courses of study and continuing education for attendants, instructor-coordinators or training officers; and (2) courses in a medically-related field of study at a postsecondary educational institution.

New Sec. 19. (a) The board shall administer the emergency medical services training and educational assistance act, shall be responsible for the allocation and distribution of grants to eligible ambulance services in accordance with appropriations therefor and, in addition, shall:

(1) Review and evaluate applications for grants;

(2) establish standards and criteria for assigning priorities, on the basis of a needs assessment, among eligible ambulance services for the allocation and distribution of grants;

(3) establish a mechanism to ensure distribution of grants;

(4) develop and effectuate a system of accountability for all grants; and

(5) establish a procedure to ensure initial and on-going eligibility of all ambulance services and attendants who apply for and receive grants.

(b) Grants shall be awarded only to ambulance services in underserved areas of the state. When awarding such grants:

(1) First priority shall be given to ambulance services submitting applications seeking grants to pay the cost of the initial courses of training for attendants, instructor-coordinators and training officers; and

(2) 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.

(c) If the amount of money appropriated in any year for grants is insufficient to pay the full amount of grants approved by the board, then the amount appropriated shall be allocated on the basis of priorities established by this section and by the board.

New Sec. 20. An ambulance service may establish a program under which the ambulance service pays the costs of training for the volunteer members of such service. In order to pay the costs, or any part of the costs, of a program established pursuant to this section, an ambulance service may submit an application to the board for a grant under the emergency medical services training and educational assistance act. The application shall be submitted in a form and manner prescribed by the board shall contain such information as required by the board. Applications shall be submitted at a time determined and specified by the board.

New Sec. 21. (a) In order to qualify for financial assistance for training relating to initial certification or continuing education as an attendant, instructor-coordinator or training officer a person must agree in writing to continue service as a volunteer attendant for at least one year following completion of training.

(b) In order to qualify for financial assistance for training in a medically-related field of study, an eligible attendant must agree in writing to continue service as a volunteer attendant, plus six months of service for each semester, or part thereof, of assistance received. In order to remain eligible for participation in the program, an eligible attendant must remain in good standing at the postsecondary educational institution where enrolled, make satisfactory progress toward completion of the requirements of the educational program in which enrolled, and maintain certification as an attendant pursuant to K.S.A. 65-6101, et seq., and amendments thereto.

(c) Upon failure of any person, who received payments under the emergency medical services training and educational assistance act, to satisfy the agreement to continue service as a volunteer attendant, such person shall pay to the board an amount equal to the total amount received. All amounts paid to the state under this subsection shall be deposited in the state treasury and credited to the emergency medical services training and educational assistance repayment fund created by section 22, and amendments thereto.

New Sec. 22. There is hereby created in the state treasury the emergency medical services training and educational assistance repayment fund. The board shall remit all moneys received under section 21, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services training and educational assistance repayment fund. All expenditures from the emergency medical services training and educational assistance repayment fund shall be for payments of assistance under the emergency medical services training and educational assistance act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the administrator or a person designated by the administrator.

New Sec. 23. The board may suspend or revoke the certificate of any person who fails or refuses to comply with or fulfill the provisions of any agreement entered into pursuant to the emergency medical services training and educational assistance act.

Sec. 24. K.S.A. 65-6111 is hereby amended to read as follows: 65-6111. The emergency medical services board shall:

(a) Adopt any rules and regulations necessary to carry out the provisions of ~~this act~~ K.S.A. 65-6101 through 65-6152 and sections 17 through 23, and amendments thereto;

(b) review and approve the allocation and expenditure of moneys appropriated for emergency medical services;

(c) conduct hearings for all regulatory matters concerning ambulance services, attendants, instructor-coordinators, training officers and providers of training;

(d) submit a budget to the legislature for the operation of the board;

(e) develop a state plan for the delivery of emergency medical services;

(f) enter into contracts as may be necessary to carry out the duties and functions of the board under this act;

(g) review and approve all requests for state and federal funding involving emergency medical services projects in the state or delegate such duties to the administrator;

(h) approve all training programs for attendants, instructor-coordinators and training officers and prescribe application fees by rules and regulations;

(i) approve methods of examination for certification of attendants, training officers and instructor-coordinators and prescribe examination fees by rules and regulations;

(j) appoint a medical consultant for the board. Such person shall be a person licensed to practice medicine and surgery and shall be active in the field of emergency medical services; and

(k) approve providers of training by prescribing standards and requirements by rules and regulations and withdraw or modify such approval in accordance with the Kansas administrative procedures act and the rules and regulations of the board.

Sec. 25. K.S.A. 2003 Supp. 75-1508, as amended by section 1 of 2004 Senate Bill No. 312, is hereby amended to read as follows: 75-1508. (a) For the purpose of maintaining the department of the state fire marshal and the payment of the expenses incident thereto, each fire insurance company doing business in this state shall pay to the commissioner of insurance, on or before March 15 each year, in addition to the taxes, fees and charges now required by law to be paid by it, such levy as may be made by the state fire marshal. The levy shall not be more than .80% for calendar year 2004, and each calendar year thereafter, of a sum equal to the gross cash receipts as premiums of such company on all fire business transacted by it in the state of Kansas during the calendar year next preceding, as shown by its annual statement under oath to the state insurance department.

(b) For the purposes of maintaining the emergency medical services board and the payment of the expenses incident thereto *and to pay for grants awarded pursuant to the emergency medical services training and educational assistance act, and amendments thereto*, each fire insurance company doing business in this state shall pay to the commissioner of insurance, on or before March 15 each year, ~~beginning with calendar year 2002 and each calendar year thereafter~~; in addition to the taxes, fees and charges now required by law to be paid by it, such levy as may be made by the emergency medical services board. The levy shall not be more than .25% of a sum equal to the gross cash receipts as premiums of such company on all fire business transacted by it in the state of Kansas during the calendar year next preceding, as shown by its annual statement under oath to the state insurance department.

(c) For the purposes of maintaining the fire service training program of the university of Kansas and the payment of the expenses incident thereto, each fire insurance company doing business in this state shall pay to the commissioner of insurance, on or before March 15 each year, beginning with calendar year 2004, and each calendar year thereafter, in addition to the taxes, fees and charges now required by law to be paid by it, such levy as may be made by the Kansas fire service training commission. The levy shall not be more than .20% of a sum equal to the gross cash receipts as premiums of such company on all fire business transacted by it in the state of Kansas during the calendar year next preceding, as shown by its annual statement under oath to the state insurance department.

(d) The director of the fire service training program of the university of Kansas shall submit a report concerning expenditures and activities of the fire service training program of the university of Kansas to the house committee on appropriations on or before February 1, 2005, and each ensuing year thereafter.

Sec. 26. K.S.A. 2003 Supp. 76-729 is hereby amended to read as follows: 76-729. (a) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 12 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

(b) The state board of regents may authorize *by rules and regulations* the following persons, or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

- (1) Persons who are employees of a state educational institution;
- (2) persons who are in military service;
- (3) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a);
- (4) persons having special domestic relations circumstances;

- (5) persons who have lost their resident status within six months of enrollment;
- (6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto; *and*
- (7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of subsection (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection; *and*.
- ~~(8) persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation therefrom, were dependents of a person in military service within the state, if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse.~~

(c) As used in this section:

- (1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.
- (2) "Guardian" has the meaning ascribed thereto by K.S.A. 2003 Supp. 59-3051, and amendments thereto.
- (3) "Custodian" means a person, agency or association granted legal custody of a minor under the Kansas code for care of children.
- (4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.
- (5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

Sec. 27. K.S.A. 72-6410 is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) "Base state aid per pupil" means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is ~~\$3,890~~ \$3,893. The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts

received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto, and an amount equal to 75% of the federal impact aid of the district.

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

Sec. 28. K.S.A. 72-1101 is hereby amended to read as follows: 72-1101. ~~Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the state board may determine.~~ (a) Pursuant to the provisions of section 1 of article 6 of the constitution of the state of Kansas which require the legislature to provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, the following areas of instruction shall be available to all Kansas public school students in grades 1 through 12, as specified by the school board:

- (1) Reading.
- (2) Writing.
- (3) Mathematics.
- (4) Spelling.
- (5) English grammar and composition and language arts.
- (6) Geography.
- (7) Kansas, United States and world history.
- (8) United States and Kansas government.
- (9) Patriotism and citizenship and the duties thereof.
- (10) Social science.
- (11) Science.
- (12) Computer technology.
- (13) Fine arts and performing arts.
- (14) Foreign language.
- (15) Physical education, health and hygiene.
- (16) Career education.
- (17) Industrial technologies.

(b) The state board shall be responsible for ~~the selection of subject matter within the several fields of instruction and for its~~ the organization of such areas of instruction into courses of study and instruction for the guidance of teachers, principals and superintendents. The areas of instruction shall be designed to allow for the:

- (1) Development of sufficient oral and written communication skills which enable students to function in a complex and rapidly changing society;
- (2) acquisition of sufficient knowledge of economic, social and political systems which enable students to understand the issues that affect the community, state and nation;
- (3) development of students' mental and physical wellness;
- (4) development of knowledge of the arts to enable students to appreciate their cultural and historical heritage and those of others;

(5) training or preparation for advanced training in either academic or vocational fields so as to enable students to choose and pursue life work intelligently;

(6) development of sufficient levels of academic or vocational skills to enable students to compete favorably in academics and the job market; and

(7) needs of students requiring special education services.

(c) When determining the number of classes or units of study offered as a part of the areas of instruction required by this section, a school district shall take into the consideration the number of students enrolled in the district and the cost of providing a class or unit of study. A district shall offer the number of classes or units of study necessary to meet the minimum requirements of this section. Districts also may offer other classes or units of study.

(d) School districts have the ability to prioritize the expenditure of state moneys appropriated for distribution to school districts. When prioritizing expenditures of such state moneys, it is the intent of the legislature that school districts shall give priority to expenditures necessary to provide the areas of instruction required by subsection (a) over expenditures for areas of instruction which are in addition to those areas required by subsection (a).

(e) Pursuant to the provisions of subsection (b) of section 6 of article 6 of the constitution of the state of Kansas which require the legislature to make suitable provision for finance of the educational interests of the state, state moneys appropriated for distribution to school districts shall be deemed to be expended first to pay the costs related to providing the areas of instruction required by subsection (a).

(f) The provisions of this section shall expire June 30, 2005.

New Sec. 29. (a) Each school district shall adopt goals under which:

(1) Teachers establish high expectations for learning and monitor student achievement of such expectations through multiple assessment techniques;

(2) the basic mission of schools and school districts is to prepare students to live, learn and work in a modern society;

(3) planned learning activities are provided within an orderly and safe environment which is conducive to learning;

(4) instructional leadership is provided resulting in improved student performance in an effective school environment;

(5) communication skills of students, which are necessary to live, learn and work in a modern society, are developed;

(6) students are taught and encouraged to think creatively and to problem-solve in order to live, learn and work in a modern society;

(7) students are taught and encouraged to work effectively, both independently and in groups, in order to live, learn and work in a modern society;

(8) students are taught and encouraged to participate in lifelong learning;

(9) students are ensured to have the physical and emotional well-being necessary to live, learn and work in a modern society; and

(10) all staff shall engage in on-going professional development.

(b) The provisions of this section shall expire June 30, 2005.

Sec. 30. K.S.A. 65-6111, 72-1101, 72-1103, 72-1117, 72-6405, 72-6410, 72-6413, 72-6414, 72-6440 and 79-2925 and K.S.A. 2003 Supp. 72-6407, 72-6407, as amended by section 4 of 2004 Senate Bill No. 304, 72-8247, 75-1508, as amended by section 1 of 2004 Senate Bill No. 312, 75-4364, 76-729 and 79-2926 are hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, by striking all in lines 16 through 20; following line 20, by inserting:

“AN ACT concerning primary, secondary and postsecondary education; relating to school districts and school finance; relating to postsecondary educational institutions and fees, tuition and certain financial assistance; amending K.S.A. 65-6111, 72-1101, 72-6405, 72-6410, 72-6413, 72-6414 79-2925 and K.S.A. 2003 Supp. 72-6407, 72-8247, 75-1508, as amended by section 1 of 2004 Senate Bill No. 312, 75-4364, 76-729 and 79-2926 and repealing the existing sections; also repealing K.S.A. 72-1103, 72-1117, 72-6440 and K.S.A. 2003 Supp. 72-6407, as amended by section 4 of 2004 Senate Bill No. 304.”;

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

DWAYNE UMBARGER  
DAVE KERR  
*Conferees on part of Senate*

KATHE DECKER  
MICHAEL O'NEAL  
*Conferees on part of House*

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2027**.

On roll call, the vote was: Yeas 26, Nays 10, Present and Passing 1, Absent or Not Voting 3.

Yeas: Allen, Barnett, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Emler, Huelskamp, Jackson, Jordan, Journey, Kerr, Lyon, Morris, O'Connor, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Tyson, Umbarger, Wagle.

Nays: Adkins, Barone, Betts, Gilstrap, Goodwin, Helgerson, Hensley, Lee, Oleen, Steineger.

Present and Passing: Teichman.

Absent or Not Voting: Downey, Haley, Vratil.

The Conference Committee report was adopted.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote for **HB 2027** to fulfill the current needs in the K-12 system for FY 2005. Paying our current obligations by borrowing from future program reserves is not ideal public policy. However, in the last hours of this session, it represents the only option for a deadlocked legislature. Our future is rendered less viable by this action.—PETE BRUNGARDT

MR. PRESIDENT: I vote aye, not because I am pleased with the package, but because I believe in education. As I listened to the lobbyists last night and this morning, I heard, implicit in their comments, that education would be better off, politically, to go home with nothing. All session long, I misunderstood. I thought education was about the "children." But, because it would be "politically" better for education, this body politic is willing to leave \$82,000,000.00 "on the table." I am not.

While the funding mechanism *is not* what I would prefer, I do not believe the sky will fall. The most egregious parts of this plan are only for one year. Likewise, the \$82,000,000.00 is only for one year. I am saddened to think of the number of "pro-education" people in this building who are willing to abandon this state's children for what appears to be purely political purposes.—JAY SCOT EMLER

MR. PRESIDENT: I vote NO on **HB 2027**.

To quote Governor Sebelius; "We can't meet our responsibility to the children of Kansas by breaking a promise renewed only a few weeks ago to fully fund the Comprehensive Transportation Program.

"This latest plan is the height of irresponsibility. It is both inadequate and unfair to the children of Kansas. It fails to provide school districts with sufficient resources for children and teachers. Further, it unravels the work just completed by the Legislature to put the highway plan back in fiscally sound condition and forces the Department of Transportation to cut projects.

"Leadership is about meeting challenges head on and doing what you know is right for the people of Kansas. This plan takes a huge step backwards. This latest plan would put our state \$129 million in the hole. Starting the year with an over \$100 million deficit is not something I can accept.—JANIS LEE

Senator Hensley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Lee on **HB 2027**.

MR. PRESIDENT: Our chamber has struggled with the majority of senators wanting to be responsive in providing financial support of our public school system.

While we have differed in our approaches, I have voted consistently to fund our schools. I have made the tough votes to fund them with real money. This measure, and the tactics to achieve its passage in the Senate, is not an exercise I can support. I vote NO on **HB 2027**.—LANA OLEEN

#### PROTEST

When I first sought public office nearly 12 years ago I was motivated to serve primarily by a strong desire to enhance public education including higher education in our state. Growing up in Salina and Topeka I was the beneficiary of excellent public schools and great teachers. At the University of Kansas I saw my horizons expand as I was exposed to the rich opportunities and inspiring faculty available on Mt. Oread. My commitment to education today is shaped by the valuable transformative power education played in shaping the person I am today.

I am a state legislator and a lawyer because of the skills, opportunities and knowledge the taxpayers of this state conferred on me in Kansas schools. The quality of my life has been significantly enhanced by my understanding of the world in which we live, including what it means to be human, has been enriched because my education included a broad exposure to the arts and sciences. As a public servant, and as a direct beneficiary of public education, I believe I have an obligation to support public policy that creates stronger communities. I also believe I share a responsibility with every other public servant and citizen to be a good steward of the future. I best fulfill these obligations by providing support for adequately funding excellent educational opportunity for all Kansas children.

It is not enough to rhetorically recognize our obligation to public education. Talk is cheap. We must put our money where our pupils are. I believe we have neglected to properly fund our schools and in doing so we have compromised their ability to achieve the laudable goals both the state and federal governments have mandated they achieve.

We live in the Information Age. Critical thinking skills, the ability to adapt to quickly changing technology and an understanding of the issues facing humanity must be instilled in the next generation if our economy is to remain strong and our nation is to remain great. We must equip our schools and educators with the sophisticated tools necessary to transfer these skills to our state's children. We owe it to them, to ourselves and to our future.

Our schools and students continue to perform well when compared to those of other states. We can take pride in that accomplishment but we cannot afford to ever become complacent. We must challenge ourselves to reach new levels of excellence. Too many legislators are willing to fund mediocrity while expecting and demanding excellence. In education, like so many things, we get what we pay for. We should hold politicians accountable when they claim to be friends of education but are willing to accept less than the best for our schools and students.

In the public square we should exercise the courage to raise the resources necessary to honestly and fairly fund our constitutionally required commitment to public education. This bill represents a politically expedient solution to a legislative impasse—but it does not represent sound fiscal or education policy. I will not be a co-conspirator in this attempt to collectively suspend disbelief and act as though this bill actually does something that it does not. That perpetuates a fraud on the public and passes the buck—digging a deep hole for future legislators to fill. It ignores our responsibility to craft reasonable and fiscally sound public policy for today and represents an abdication of our stewardship of the future.

I have now concluded that the Legislature as an institution does not possess the collective fortitude or the political ability to do the right thing by education and as such we must turn to the courts of our state to enforce the obligations imposed by our constitution—obligations we have chosen to shirk. This legislature was given the entire session to respond to the order of a state court which declared our state's school finance scheme to be unconstitutional. We chose not to engage in constructive problem solving—perhaps a symptom of the deep divisions within the Republican Party and perhaps a reflection of the political power of the state's business lobby who shortsightedly turned its back on public education. We must also

turn to the voters of our state with a request that they send to the next Legislature public servants who possess an honest commitment to meet our state's obligations to Kansas school children and the courage to follow through on the difficult choices necessary to honor that commitment.

As I leave this session of the Legislature I continue to hold as my highest priority the desire to expand and enhance educational opportunity for all Kansans. I have always believed that the greatest days for our state lay before us. I am hopeful we will choose to live the legacy of our state's motto—that we will persevere through these difficulties and ultimately reach the stars. Let us not waste another day in our quest to build a better Kansas.—DAVID ADKINS

#### REPORT ON ENGROSSED BILLS

**SB 480** reported correctly re-engrossed May 8, 2004.

On motion of Senator Oleen, the Senate recessed until 3:00 p.m.

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#### AFTERNOON SESSION

The Senate met pursuant to recess with President Kerr in the chair.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SENATE Substitute for HB 2471**, 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.

STEPHEN R. MORRIS  
DAVID ADKINS  
*Conferees on part of Senate*

MELVIN NEUFELD  
CLARK SHULTZ  
*Conferees on part of House*

On motion of Senator Morris, the Senate adopted the conference committee report on **S Sub for HB 2471**, and requested a new conference committee be appointed.

The President appointed Senators Morris, Adkins and Barone as a second Conference Committee on the part of the Senate on **S Sub for HB 2471**.

#### CHANGE OF CONFERENCE

The President announced the appointment of Senators Morris, Adkins and Barone as members of the Conference Committee on **S Sub for HB 2937** to replace Senators Umbarger, Vratil and Hensley.

On motion of Senator Oleen, the Senate recessed until the sound of the gavel.

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The Senate met pursuant to recess with President Kerr in the chair.

#### ORIGINAL MOTION

Senator Morris moved the Senate reconsider the motion to agree to disagree on **S Sub for HB 2471**. The motion carried.

Senator Morris withdrew the motion to agree to disagree on **S Sub for HB 2471**. The motion carried.

**ORIGINAL MOTION**

Senator Oleen moved joint rule 3(f) be suspended and the Senate dispense with distribution of copies of the Conference Committee report on **S Sub for HB 2471**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2471**, 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, by striking all in lines 18 through 43;

By striking all of pages 2 through 40 and inserting in lieu thereof the following:

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

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

(c) This act shall be known and may be cited as the omnibus appropriation act of 2004 and shall constitute the omnibus reconciliation spending limit bill for the 2004 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702 and amendments thereto.

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

Sec. 2.

**LEGISLATURE**

(a) The authorization for expenditures by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2005 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, which were directed to be made by section 139(p) of 2004 House Bill No. 2675, is hereby rescinded and, on the effective date of this act, the provisions of section 139(p) of 2004 House Bill No. 2675 are hereby declared to be null and void and shall have no force and effect.

(b) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2005, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2005 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, an aggregate amount of allowance of \$324 for the two-week period which coincides with the biweekly payroll period which includes April 1, 2005, which is chargeable to fiscal year 2005 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2005, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (b) and which are chargeable to fiscal year 2005.

## Sec. 3.

## GOVERNOR'S DEPARTMENT

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

Governor's department  
For the fiscal year ending June 30, 2005..... \$487,560

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

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

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

## Sec. 4.

## DEPARTMENT OF ADMINISTRATION

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

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

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

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

SIBF — state building insurance ..... \$56,511  
*Provided*, That, notwithstanding the provisions of K.S.A. 2003 Supp. 76-6b05 and amendments thereto, expenditures may be made by the above agency from the SIBF — state building insurance account of the state institutions building fund for state building insurance premiums.

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

EBF — state building insurance ..... \$329,840  
*Provided*, That, notwithstanding the provisions of K.S.A. 76-6b02 and amendments thereto, expenditures may be made by the above agency from the EBF — state building insurance account of the Kansas educational building fund for state building insurance premiums.

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

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

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

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

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

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

Public broadcasting council grants

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

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

Sec. 5.

JUVENILE JUSTICE AUTHORITY

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

Operating expenditures

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

Kansas juvenile correctional complex

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

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

Sec. 6.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Soldiers' home facilities conservation and improvements

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

Veterans' home capital improvements federal match

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

Sec. 7.

KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures — food safety program

For the fiscal year ending June 30, 2005..... \$57,850

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

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

Food safety fund

For the fiscal year ending June 30, 2005..... No limit  
*Provided*, That expenditures may be made from the food safety fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512 and amendments thereto to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto, deposited in the state treasury and credited to the food safety fund: *And provided further*, That the secretary of agriculture is hereby authorized to make expenditures from the food safety fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection authority.

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

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

Sec. 8.

KANSAS ANIMAL HEALTH DEPARTMENT

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

Operating expenditures  
 For the fiscal year ending June 30, 2005..... \$72,012

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

Disease control fund — federal  
 For the fiscal year ending June 30, 2005..... No limit

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

Sec. 9.

KANSAS WATER OFFICE

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

Water resources operating expenditures  
 For the fiscal year ending June 30, 2005..... \$79,724

Sec. 10.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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

Operating expenditures  
 For the fiscal year ending June 30, 2005..... \$150,000

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

Sec. 11.

FORT HAYS STATE UNIVERSITY

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

Memorial union renovation debt service fund  
For the fiscal year ending June 30, 2005..... No limit

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

Sec. 12.

UNIVERSITY OF KANSAS

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

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

Sec. 13.

STATE BOARD OF REGENTS

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

Other federal grants fund  
For the fiscal year ending June 30, 2004..... No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2004 other than

moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2004, other than moneys appropriated by this or other appropriation act of the 2004 regular session of the legislature.

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

Operating expenditures (including official hospitality)

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

Center for innovative school leadership

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

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

Southwest Kansas access project

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

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

Technical college and school grant

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

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

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

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

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

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

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

(h) Notwithstanding the provisions of K.S.A. 75-5804 and amendments thereto, the university president or chancellor shall not convene a negotiating committee to select an engineering or land surveying firm for services on a capital project for a state university unless the total cost of such a proposed project is expected to exceed \$500,000.

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

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

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

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

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

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

Sec. 14.

ATTORNEY GENERAL

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

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

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

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

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

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

Children's advocacy center fund

For the fiscal year ending June 30, 2005.....	No limit
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Sec. 15.

#### DEPARTMENT OF EDUCATION

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

General state aid

For the fiscal year ending June 30, 2004.....	\$71,000
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For the fiscal year ending June 30, 2005.....	\$1,890,000
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Supplemental general state aid

For the fiscal year ending June 30, 2005.....	\$8,370,000
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KPERS — employer contributions

For the fiscal year ending June 30, 2005.....	\$4,253,138
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(b) On July 1, 2004, of the \$9,181,977 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 105(a) of 2004 House Bill No. 2675 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$11,700 is hereby lapsed.

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

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

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

Helping schools license plate program fund

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

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

Sec. 16.

KANSAS STATE SCHOOL FOR THE BLIND

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

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

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

Sec. 17.

KANSAS STATE SCHOOL FOR THE DEAF

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

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

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

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

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

Sec. 18.

SECRETARY OF STATE

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

HAVA match  
 For the fiscal year ending June 30, 2004..... \$28,245  
 For the fiscal year ending June 30, 2005..... \$434,152

(b) During the fiscal year ending June 30, 2005, all expenditures by the secretary of state from the democracy fund shall be to provide matching funds to implement title II of the federal help America vote act of 2002, public law 107—252, as prescribed under such act.

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

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

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

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

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

Sec. 19.

#### STATE CORPORATION COMMISSION

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

Sec. 20.

#### INSURANCE DEPARTMENT

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

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

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

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

Sec. 21.

STATE BOARD OF HEALING ARTS

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

Sec. 22.

KANSAS DENTAL BOARD

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

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

Sec. 23.

DEPARTMENT ON AGING

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

Senior care act	
For the fiscal year ending June 30, 2005.....	\$15,000
(b) In addition to the other purposes for which expenditures may be made by the department on aging from the senior care act account of the state general fund for fiscal year 2005 as authorized by section 100(a) of 2004 House Bill No. 2675, expenditures shall be made by the above agency from the senior care act account of the state general fund for fiscal year 2005 for the foster grandparents program: <i>Provided</i> , That expenditures for such purpose from the senior care act account of the state general fund for fiscal year 2005 shall not exceed \$15,000.	

Sec. 24.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Vocational rehabilitation aid and assistance	
For the fiscal year ending June 30, 2005.....	\$550,000
Community based services	
For the fiscal year ending June 30, 2004.....	\$742,000
For the fiscal year ending June 30, 2005.....	\$342,000
Youth services aid and assistance	
For the fiscal year ending June 30, 2004.....	\$10,000,000
Cash assistance	
For the fiscal year ending June 30, 2004.....	\$482,897
For the fiscal year ending June 30, 2005.....	\$300,000
Larned state hospital — operating expenditures	
For the fiscal year ending June 30, 2004.....	\$1,306
For the fiscal year ending June 30, 2005.....	\$21,994

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

(b) On July 1, 2004, of the \$70,758,231 appropriated for the above agency for the fiscal year ending June 30, 2005, by section 101(a) of 2004 House Bill No. 2675 from the state general fund in the youth services aid and assistance account, the sum of \$9,929,800 is hereby lapsed: *Provided*, That no expenditures shall be made from the youth services aid and assistance account to withhold payments from non-renewed providers until the new child welfare contracts have been let and the written transition plan has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

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

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

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

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

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

Rehabilitation and repair projects	
For the fiscal year ending June 30, 2005.....	\$6,772,365

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

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

Health care access improvement fund	
For the fiscal year ending June 30, 2005.....	No limit

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

(j) On and after January 1, 2005, during the fiscal year ending June 30, 2005, notwithstanding the provisions of any other statute, no expenditures shall be made by the depart-

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

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

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

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

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

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

Sec. 25.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH

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

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

*Provided*, That expenditures shall be made from the pregnancy maintenance initiative account for the fiscal year 2005 pursuant to contracts for programs that provide services for women which enable them to carry their pregnancies to term which are hereby authorized and directed to be entered into by the secretary of health and environment: *Provided, however*, That all such contracts shall be entered into through a competitive bidding process:

*Provided further*, That such contracted services may include an array of social services relating to pregnancy maintenance and that no individuals who are unable to pay shall be denied the delivery or provision of pregnancy maintenance services: *And provided further*, That no contract or contracts under pregnancy maintenance programs shall be entered into with any group performing, promoting, referring for or educating in favor of abortion: *And provided further*, That a not-for-profit organization awarded a contract under this proviso shall match state moneys under this contract on the basis of a 50% match from a not-for-profit organization and a 50% match from the department of health and environment: *And provided further*, That the secretary of health and environment shall submit a report to the legislature at the beginning of the regular session of the legislature in 2005 on the results and outcomes of such pregnancy maintenance programs: *And provided further*, That no part of the grant moneys shall be used for any political purposes.

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

Lead-based paint hazard fee fund

For the fiscal year ending June 30, 2005.....	No limit
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Census of traumatic occupational fatalities — federal fund

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

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

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

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

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

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

Sec. 26.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF ENVIRONMENT

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

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

Sec. 27.

DEPARTMENT OF COMMERCE

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

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

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

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

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

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

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

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

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

Sec. 28.

STATE FIRE MARSHAL

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

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

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

Sec. 29.

KANSAS LOTTERY

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

Sec. 30.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the following special revenue fund

or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Distinctive license plate fund

For the fiscal year ending June 30, 2005..... No limit  
Sec. 31.

DEPARTMENT OF WILDLIFE AND PARKS

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

Feed the hungry fund

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

Cheyenne Bottoms federal grants fund

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

Tuttle Creek state park mitigation project fund

For the fiscal year ending June 30, 2005..... \$1,500,000

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

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

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

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

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

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

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

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

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

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

Reimbursement for annual licenses issued to national guard members  
 For fiscal year ending June 30, 2005 ..... \$60,000

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

Reimbursement for annual park permits issued to national guard members  
 For the fiscal year ending June 30, 2005 ..... \$206,000

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

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

Sec. 33.

DEPARTMENT OF TRANSPORTATION

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

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

Communication system revolving fund

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

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

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

Sec. 34.

EMERGENCY MEDICAL SERVICES BOARD

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

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

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

Sec. 35.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

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

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

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

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

Sec. 36.

#### KANSAS SENTENCING COMMISSION

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

Sec. 37.

#### DEPARTMENT OF CORRECTIONS

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

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

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

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

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

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

(e) In addition to the other purposes for which expenditures may be made by the department of corrections from the inmate benefit fund for fiscal year 2005 as authorized by section 121(b) of 2004 House Bill No. 2675, expenditures shall be made by the above agency from the inmate benefit fund for fiscal year 2005 for the four visitor centers at Ellsworth, Hutchinson, Lansing and Norton correctional facilities in accordance with this subsection: *Provided*, That the aggregate amount of expenditures from the inmate benefit fund for fiscal

year 2005 for such purpose shall not exceed \$125,000: *Provided, however,* That expenditures from the inmate benefit fund for fiscal year 2005 for such purpose may exceed \$25,000 only upon one or more certifications by the secretary of corrections to the director of accounts and reports that an amount or amounts of federal, local or in-kind donations are available for such purposes to match the expenditure of additional moneys from the inmate benefit fund for fiscal year 2005 on the basis of \$1 of federal, local or in-kind donations to \$1 of moneys from the inmate benefit fund.

Sec. 38.

DEPARTMENT OF LABOR

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

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

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

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

Remodel department of labor facilities fund	No limit
For the fiscal year ending June 30, 2005.....	

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

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

(f) In addition to the other purposes for which expenditures may be made by the department of labor from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of labor for moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to finance grant for an information technology project to upgrade the unemployment insurance ben-

efit system: *Provided*, That such information technology project is hereby approved for the department of labor for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That no such bonds shall be issued until the department of labor has first advised and consulted on any such project with the joint committee on information technology: *And provided, further*, That the amount of the bond proceeds that may be utilized for any such information technology project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided, further*, That the department of labor may make expenditures from the moneys received for the issuance of any such bonds for such information technology project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such information technology project shall not exceed \$21,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such information technology projects during the implementation of such projects and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such information technology projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds, including federal Reed act funds as made available to the state pursuant to section 903(d) of the federal social security act.

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

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

Sec. 39.

#### REAL ESTATE APPRAISAL BOARD

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

Sec. 40.

#### KANSAS REAL ESTATE COMMISSION

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

Sec. 41.

#### ADJUTANT GENERAL

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

Kansas military emergency relief fund

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

*Provided*, That expenditures may be made from the Kansas military emergency relief fund for grants and interest—free loans, which are hereby authorized to be entered into by the

adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and army reserve members during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies.

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

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

Sec. 42.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

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

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

*Provided*, That notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939 and amendments thereto, and K.S.A. 74-4967 and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be deposited in the KDFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2005: *And provided further*, That the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2005.

Sec. 43.

DEPARTMENT OF EDUCATION

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

General state aid	
For the fiscal year ending June 30, 2005.....	\$68,100,000
Supplemental general state aid	
For the fiscal year ending June 30, 2005.....	\$5,280,000
Special education services aid	
For the fiscal year ending June 30, 2005.....	\$8,520,000
School-based budgeting pilot project	
For the fiscal year ending June 30, 2005.....	\$100,000

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

Sec. 44. (a) On or before June 30, 2005, the director of accounts and reports shall transfer \$82,000,000 from the state highway fund of the department of transportation to the state general fund for the purpose of financing the cost of operation and general expenses of the division of vehicles and operations of the department of revenue and for the purpose of financing the Kansas highway patrol operations: *Provided*, That, in addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2005 and fiscal year 2006, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund for fiscal year 2005 and fiscal year 2006 for the support and maintenance of the Kansas highway patrol and for the support and maintenance of the department of revenue.

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

Sec. 45.

#### DEPARTMENT OF REVENUE

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

Operating expenditures

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

agency for the fiscal year ending June 30, 2006, by subsection (a) of this section of any unencumbered balance in the operating expenditures account as of June 30, 2005, in the operating expenditures account the state general fund, is hereby lapsed.

Sec. 46.

KANSAS HIGHWAY PATROL

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

Operating expenditures

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

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

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

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

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

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

Sec. 49. *Savings.* (a) Any unencumbered balance as of June 30, 2004, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2004 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2005, for the same use and purpose as the same was heretofore appropriated. This subsection shall not apply to any state agency named in section 22 of chapter 138 of the 2003 Session Laws of Kansas.

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

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

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

deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

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

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

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act or other appropriation act of the 2004 regular session of the legislature and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2005 by chapter 138 or chapter 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature to apply for and receive federal grants during fiscal year 2005, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

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

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

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

Sec. 55. Any transfers of money during the fiscal year ending June 30, 2004, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2005.

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

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

On page 1, in the title, by striking all in lines 10 through 15 and inserting the following: “AN ACT making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, June 30, 2006, and June 30, 2007; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; repealing section 66 of 2004 House Bill No. 2675.”;

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

STEPHEN R. MORRIS  
DAVID ADKINS  
JIM BARONE  
*Conferees on part of Senate*

MELVIN NEUFELD  
CLARK SHULTZ  
BILL FEUERBORN  
*Conferees on part of House*

Senator Morris moved the Senate adopt the Conference Committee Report on **S Sub for HB 2471**.

On roll call, the vote was: Yeas 30, Nays 5, Present and Passing 0, Absent or Not Voting 5.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Emler, Gilstrap, Goodwin, Hensley, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Wagle.

Nays: Helgerson, Huelskamp, Journey, Pugh, Steineger.

Absent or Not Voting: Brownlee, Downey, Haley, Jackson, Vratil.

The Conference Committee report was adopted.

#### **REMARKS BY SENATE PRESIDENT DAVE KERR**

For twenty-eight years, when the roll has been called in this great chamber, the name Kerr has drawn at least one “here.” Next year that name will not be called. The 34th Senatorial district will be represented by someone else.

I am profoundly grateful to the people of Reno County who have elected and supported me in this role for 20 years. I am also grateful to you, my colleagues, for having placed your confidence in me to preside over this august body. It is a wonderful and challenging position and I have enjoyed it as much as any I have held in my life.

Twenty years is a long time. In my first session we hired KU professors Redwood and Krider to produce an analysis of and plan for economic development. In my last, we passed an aggressive plan to grow the state economy in previously unimaginable ways.

Not every issue is so neatly packaged and complete. Funding our schools is and will remain a contentious issue in every session. But, the real question is less what we pay for our schools and more what we expect students to achieve. On that point the 1991 session stands out as the best. By establishing high standards of expectation statewide, we changed much of the discussion of schools to what students are actually learning. It has altered the educational culture of the state and students, teachers and we should be proud.

If I were granted one wish for the Senate’s future, it would be that you treat one another with even greater civility and respect. In this body is the talent and energy to resolve many of the difficult problems that plague our state. Listen respectfully to one another and you can solve them.

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following concurrent resolution was introduced and read by title:

## SENATE CONCURRENT RESOLUTION No. 1624—

By Senators Kerr, Oleen and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2004 regular session of the legislature.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on May 8, 2004, and shall reconvene at 10:00 a.m. on May 27, 2004, at which time the legislature shall continue in session until *sine die* adjournment at the close of business on May 27, 2004; and

*Be it further resolved:* That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a and amendments thereto for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives during any period of adjournment for which members are not authorized per diem compensation and subsistence allowances pursuant to K.S.A. 46-137a and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212 and amendments thereto.

On emergency motion of Senator Oleen **SCR 1624** was adopted by voice vote.

On motion of Senator Oleen, and in compliance with **SCR 1624**, the Senate adjourned until Sine Die, 10:00 a.m., Thursday, May 27, 2004.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

