

HOUSE BILL No. 2153

By Committee on Judiciary

1-25

1 AN ACT concerning certain state agencies; relating to the transfer of fees;
2 notification of such transfer; amending K.S.A. 75-3036 and repealing
3 the existing section.
4

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

6 Section 1. K.S.A. 75-3036 is hereby amended to read as follows: 75-
7 3036. (a) The state general fund is exclusively defined as the fund into
8 which shall be placed all public moneys and revenue coming into the state
9 treasury not specifically authorized by the constitution or by statute to be
10 placed in a separate fund, and not given or paid over to the state treasurer
11 in trust for a particular purpose, which unallocated public moneys and
12 revenue shall constitute the general fund of the state; ~~but~~. Moneys received
13 or to be used under constitutional or statutory provisions or under the
14 terms of a gift or payment for a particular and specific purpose are to be
15 kept as separate funds and shall not be placed in the general fund or ever
16 become a part of it; ~~except by proper statutory enactment, and~~.

17 (b) *The following funds shall be used for the purposes set forth in the*
18 *statutes concerning such funds and for no other governmental purposes. It*
19 *is the intent of the legislature that the following funds and the moneys*
20 *deposited in such funds shall remain intact and inviolate for the purposes*
21 *set forth in the statutes concerning such funds: Board of accountancy fee*
22 *fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special*
23 *litigation reserve fund of the board of accountancy; bank commissioner*
24 *fee fund, K.S.A. 9-1703, 16a-2-302, 17-5610, 17-5701 and 75-1308, and*
25 *amendments thereto, bank investigation fund, K.S.A. 9-1111b, and*
26 *amendments thereto, consumer education settlement fund and litigation*
27 *expense fund of the state bank commissioner; securities act fee fund and*
28 *investor education and protection fund, K.S.A. 17-12a601, and*
29 *amendments thereto, of the office of the securities commissioner of*
30 *Kansas; credit union fee fund, K.S.A. 17-2236, and amendments thereto, of*
31 *the state department of credit unions; court reporters fee fund, K.S.A. 20-*
32 *1a02, and amendments thereto, and bar admission fee fund, K.S.A. 20-*
33 *1a03, and amendments thereto, of the judicial branch; fire marshal fee*
34 *fund, K.S.A. 31-133a and 31-134, and amendments thereto, and boiler*

1 *inspection fee fund, K.S.A. 44-926, and amendments thereto, of the state*
2 *fire marshal; food service inspection reimbursement fund, K.S.A. 36-512,*
3 *and amendments thereto, of the Kansas department of agriculture; wage*
4 *claims assignment fee fund, K.S.A. 44-324, and amendments thereto, and*
5 *workmen's compensation fee fund, K.S.A. 74-715, and amendments*
6 *thereto, of the department of labor; veterinary examiners fee fund, K.S.A.*
7 *47-820, and amendments thereto, of the state board of veterinary*
8 *examiners; mined-land reclamation fund, K.S.A. 49-420, and amendments*
9 *thereto, of the department of health and environment; conservation fee*
10 *fund and well plugging assurance fund, K.S.A. 55-155, 55-176, 55-609,*
11 *55-711 and 55-901, and amendments thereto, gas pipeline inspection fee*
12 *fund, K.S.A. 66-1,155, and amendments thereto, and public service*
13 *regulation fund, K.S.A. 66-1503, and amendments thereto, of the state*
14 *corporation commission; land survey fee fund, K.S.A. 58-2011, and*
15 *amendments thereto, of the state historical society; real estate recovery*
16 *revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas*
17 *real estate commission; appraiser fee fund, K.S.A. 58-4107, and*
18 *amendments thereto, and appraisal management companies fee fund of the*
19 *real estate appraisal board; amygdalin (laetrile) enforcement fee fund,*
20 *K.S.A. 65-6b10, and amendments thereto; mortuary arts fee fund, K.S.A.*
21 *65-1718, and amendments thereto, of the state board of mortuary arts;*
22 *board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of*
23 *the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and*
24 *74-2704, and amendments thereto, of the Kansas state board of*
25 *cosmetology; healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-*
26 *5413, 65-5513, 65-6910, 65-7210 and 65-7309, and amendments thereto,*
27 *and medical records maintenance trust fund, of the state board of healing*
28 *arts; other state fees fund, K.S.A. 2016 Supp. 65-4024b, and amendments*
29 *thereto, of the Kansas department for aging and disability services; board*
30 *of nursing fee fund, K.S.A. 74-1108, and amendments thereto, of the board*
31 *of nursing; dental board fee fund, K.S.A. 74-1405, and amendments*
32 *thereto, and special litigation reserve fund, of the Kansas dental board;*
33 *optometry fee fund, K.S.A. 74-1503, and amendments thereto, and*
34 *optometry litigation fund, of the board of examiners in optometry; state*
35 *board of pharmacy fee fund, K.S.A. 74-1609, and amendments thereto, and*
36 *state board of pharmacy litigation fund, of the state board of pharmacy;*
37 *abstracters' fee fund, K.S.A. 74-3903, and amendments thereto, of the*
38 *abstracters' board of examiners; athletic fee fund, K.S.A. 2016 Supp. 74-*
39 *50,188, and amendments thereto, of the department of commerce; hearing*
40 *instrument board fee fund, K.S.A. 74-5805, and amendments thereto, and*
41 *hearing instrument litigation fund of the Kansas board of examiners in*
42 *fitting and dispensing of hearing instruments; commission on disability*
43 *concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the*

1 governor's department; technical professions fee fund, K.S.A. 74-7009,
2 and amendments thereto, and special litigation reserve fund of the state
3 board of technical professions; behavioral sciences regulatory board fee
4 fund, K.S.A. 74-7506, and amendments thereto, of the behavioral sciences
5 regulatory board; governmental ethics commission fee fund, K.S.A. 25-
6 4119e, and amendments thereto, of the governmental ethics commission;
7 emergency medical services board operating fund, K.S.A. 75-1514, and
8 amendments thereto, of the emergency medical services board; fire service
9 training program fund, K.S.A. 75-1514, and amendments thereto, of the
10 university of Kansas; uniform commercial code fee fund, K.S.A. 2016
11 Supp. 75-448, and amendments thereto, of the secretary of state; prairie
12 spirit rails-to-trails fee fund of the Kansas department of wildlife, parks
13 and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments
14 thereto, of the Kansas water office; insurance department service
15 regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance
16 department; state fair special cash fund, K.S.A. 2-220, and amendments
17 thereto, of the state fair board; **scrap metal theft reduction fee fund,**
18 **K.S.A. 2016 Supp. 50-6,109a, and amendments thereto;** and any other
19 fund in which fees are deposited for licensing, regulating or certifying a
20 person, profession, commodity or product.

21 (c) If moneys received pursuant to statutory provisions for a specific
22 purpose by a fee agency are proposed to be transferred to the state
23 general fund or a special revenue fund to be expended for general
24 government services and purposes in the governor's budget report
25 submitted pursuant to K.S.A. 75-3721, and amendments thereto, or any
26 introduced house or senate bill, the person or business entity who paid
27 such moneys within the preceding 24-month period shall be notified by the
28 fee agency within 30 days of such submission or introduction:

29 (1) By electronic means, if the fee agency has an electronic address on
30 record for such person or business entity. If no such electronic address is
31 available, the fee agency shall send written notice by first class mail; or

32 (2) any agency that receives fees from a tax, fee, charge or levy
33 paid to the commissioner of insurance shall post the notification
34 required by this subsection on such agency's website.

35 (d) Any such moneys which are wrongfully or by mistake placed in
36 the general fund shall constitute a proper charge against such general fund:
37 ~~Provided, That~~ All legislative appropriations which do not designate a
38 specific fund from which they are to be paid shall be considered to be
39 proper charges against the general fund of the state: ~~Provided further, That~~
40 All revenues received by the state of Kansas or any department, board,
41 commission, or institution of the state of Kansas, and required to be paid
42 into the state treasury shall be placed in and become a part of the state
43 general fund, except as otherwise provided in this act by law.

1 (e) *The provisions of this section shall not apply to the 10% credited*
2 *to the state general fund to reimburse the state general fund for*
3 *accounting, auditing, budgeting, legal, payroll, personnel and purchasing*
4 *services, and any and all other state governmental services, as provided in*
5 *K.S.A. 75-3170a, and amendments thereto.*

6 (f) ***Beginning on January 8, 2018, the director of the budget shall***
7 ***prepare a report listing the unencumbered balance of each fund in***
8 ***subsection (b) on June 30 of the previous fiscal year and January 1 of***
9 ***the current fiscal year. Such report shall be delivered to the secretary of***
10 ***the senate and the chief clerk of the house of representatives on or***
11 ***before the first day of the regular legislative session each year.***

12 (g) *As used in this section, "fee agency" shall include the state*
13 *agencies specified in K.S.A. 75-3717(f), and amendments thereto, and any*
14 *other state agency that collects fees for licensing, regulating or certifying*
15 *a person, profession, commodity or product.*

16 Sec. 2. K.S.A. 75-3036 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.