

HOUSE BILL No. 2153

By Committee on Judiciary

1-25

1 AN ACT concerning certain state agencies; relating to the *{attorney*
2 *general's enforcement of the scrap metal theft reduction act;}* transfer
3 of fees; notification of such transfer; amending K.S.A. 75-3036 and
4 *{K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,112a and 50-*
5 *6,112b and}* repealing the existing ~~section~~ *{sections}*.
6

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

8 *{Section 1. K.S.A. 2016 Supp. 50-6,109a is hereby amended to read*
9 *as follows: 50-6,109a. (a) The attorney general is hereby given*
10 *jurisdiction and authority over all matters involving the implementation,*
11 *administration and enforcement of the provisions of the scrap metal*
12 *theft reduction act including to:*

13 *(1) Employ or appoint agents as necessary to implement, administer*
14 *and enforce the act;*

15 *(2) contract;*

16 *(3) expend funds;*

17 *(4) license and discipline;*

18 *(5) investigate;*

19 *(6) issue subpoenas;*

20 *(7) keep statistics; and*

21 *(8) conduct education and outreach programs to promote*
22 *compliance with the act.*

23 *(b) In accordance with the rules and regulations filing act, the*
24 *attorney general is hereby authorized to adopt rules and regulations*
25 *necessary to implement the provisions of the scrap metal theft reduction*
26 *act.*

27 *(c) There is hereby established in the state treasury the scrap metal*
28 *theft reduction fee fund to be administered by the attorney general. All*
29 *moneys received by the attorney general from fees, charges or penalties*
30 *collected under the provisions of the scrap metal theft reduction act shall*
31 *be remitted to the state treasurer in accordance with the provisions of*
32 *K.S.A. 75-4215, and amendments thereto, who shall deposit the entire*

1 amount thereof in the state treasury to the credit of the scrap metal theft
2 reduction fee fund. All expenditures from such fund shall be made in
3 accordance with appropriation acts upon warrants of the director of
4 accounts and reports issued pursuant to vouchers approved by the
5 attorney general or the attorney general's designee. All moneys credited
6 to the scrap metal theft reduction fee fund shall be expended for the
7 administration of the duties, functions and operating expenses incurred
8 under the provisions of the scrap metal theft reduction act.

9 (d) ~~Before July January 1, 2016~~ 2019, the attorney general shall
10 establish and maintain a database which shall be a central repository for
11 the information required to be provided under K.S.A. 2016 Supp. 50-
12 6,110, and amendments thereto. The database shall be maintained for
13 the purpose of providing information to law enforcement and for any
14 other purpose deemed necessary by the attorney general to implement
15 and enforce the provisions of the scrap metal theft reduction act.

16 (e) The information required by K.S.A. 2016 Supp. 50-6,110, and
17 amendments thereto, maintained in such database by the attorney
18 general, or by any entity contracting with the attorney general, submitted
19 to, maintained or stored as part of the system shall:

20 (1) Be confidential, shall only be used for investigatory, evidentiary
21 or analysis purposes related to criminal violations of city, state or federal
22 law and shall only be released to law enforcement in response to an
23 official investigation or as permitted in subsection (d); and

24 (2) not be a public record and shall not be subject to the Kansas
25 open records act, K.S.A. 45-215 et seq., and amendments thereto. The
26 provisions of this subsection shall expire on July 1, 2020, unless the
27 legislature reviews and reenacts this provision pursuant to K.S.A. 45-
28 229, and amendments thereto.

29 Sec. 2. K.S.A. 2016 Supp. 50-6,109c is hereby amended to read as
30 follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the
31 provisions of the scrap metal theft reduction act, in addition to any other
32 penalty provided by law, may incur a civil penalty imposed pursuant to
33 subsection (b) in an amount not less than \$100 nor more than \$5,000 for
34 each violation.

35 (b) The attorney general, upon a finding that a scrap metal dealer
36 or any employee or agent thereof or any person or entity required to be
37 registered as a scrap metal dealer has violated any of the provisions of
38 the scrap metal theft reduction act may impose a civil penalty as
39 provided in this subsection upon such scrap metal dealer.

40 (c) A civil penalty shall not be imposed pursuant to this section
41 except upon the written order of the attorney general to the scrap metal
42 dealer who is responsible for the violation. Such order is a final order
43 for purposes of judicial review and shall state the violation, the penalty

1 *to be imposed and the right of such dealer to appeal as provided in the*
2 *Kansas judicial review act.*

3 ~~(d) This section shall take effect on and after January 1, 2016. This~~
4 ~~section shall be unenforceable and shall not apply from the effective date~~
5 ~~of this act to January 1, 2019.~~

6 *Sec. 3. K.S.A. 2016 Supp. 50-6,110 is hereby amended to read as*
7 *follows: 50-6,110. (a) It shall be unlawful for any person to sell any item*
8 *or items of regulated scrap metal to a scrap metal dealer, or employee or*
9 *agent of a dealer, in this state unless such person meets the requirements*
10 *of this subsection.*

11 *(1) Such person shall present to such scrap metal dealer, or*
12 *employee or agent of such dealer, at or before the time of sale, the*
13 *following: The seller's name, address, sex, date of birth and the seller's*
14 *driver's license, military identification card, passport or personal*
15 *identification license. An official governmental document for a country*
16 *other than the United States may be used to meet this requirement*
17 *provided that a legible fingerprint is also obtained from the seller.*

18 *(2) Such person shall complete and sign the statement provided for*
19 *in subsection (b)(10).*

20 *(b) Every scrap metal dealer shall keep a register in which the*
21 *dealer, or employee or agent of the dealer, shall at the time of purchase*
22 *or receipt of any item for which such information is required to be*
23 *presented, cross-reference to previously received information, or*
24 *accurately and legibly record at the time of sale the following*
25 *information:*

26 *(1) The time, date and place of transaction;*

27 *(2) the seller's name, address, sex, date of birth and the identifying*
28 *number from the seller's driver's license, military identification card,*
29 *passport or personal identification license; the identifying number from*
30 *an official governmental document for a country other than the United*
31 *States may be used to meet this requirement provided that a legible*
32 *fingerprint is also obtained from the seller;*

33 *(3) a copy of the identification card or document containing such*
34 *identifying number;*

35 *(4) the license number, color and style or make of any motor*
36 *vehicle in which the junk vehicle or other regulated scrap metal property*
37 *is delivered in a purchase transaction;*

38 *(5) a general description, made in accordance with the custom of*
39 *the trade, of the predominant types of junk vehicle or other regulated*
40 *scrap metal property purchased in the transaction;*

41 *(6) the weight, quantity or volume, made in accordance with the*
42 *custom of the trade, of the regulated scrap metal property purchased;*

43 *(7) if a junk vehicle or vehicle part is being bought or sold, a*

1 *description of the junk vehicle or vehicle part, including the make,*
2 *model, color, vehicle identification number and serial number if*
3 *applicable;*

4 *(8) the price paid for, traded for or dealt for in a transaction for the*
5 *junk vehicle or other regulated scrap metal property;*

6 *(9) the full name of the individual acting on behalf of the regulated*
7 *scrap metal dealer in making the purchase; and*

8 *(10) a signed statement from the seller indicating from where the*
9 *property was obtained and that: (A) Each item is the seller's own*
10 *personal property, is free of encumbrances and is not stolen; or (B) the*
11 *seller is acting for the owner and has permission to sell each item. If the*
12 *seller is not the owner, such statement shall include the name and*
13 *address of the owner of the property.*

14 *(c) Every scrap metal dealer shall photograph ~~both the seller and~~*
15 *the item or lot of items being sold at the time of purchase or receipt of*
16 *any item for which such information is required to be presented. Such*
17 *photographs shall be kept with the record of the transaction and the*
18 *scrap metal dealer's register of information required by subsection (b).*
19 *Failure to comply with the provisions of this subsection between the*
20 *effective date of this act and January 1, 2019, may result in an assessment*
21 *of a civil penalty by the attorney general of not less than \$100 nor more*
22 *than \$5,000 for each violation.*

23 *(d) The scrap metal dealer's register of information required by*
24 *subsection (b), including copies of identification cards and signed*
25 *statements by sellers, and photographs required by subsection (c) may be*
26 *kept in electronic format. Failure to comply with the provisions of this*
27 *subsection between the effective date of this act and January 1, 2019, may*
28 *result in an assessment of a civil penalty by the attorney general of not*
29 *less than \$100 nor more than \$5,000 for each violation.*

30 *(e) Every scrap metal dealer shall forward the information required*
31 *by this section to the database described in K.S.A. 2016 Supp. 50-6,109a,*
32 *and amendments thereto.*

33 *(f) Notwithstanding any other provision to the contrary, this section*
34 *shall not apply to transactions in which the seller is a:*

35 *(1) Registered scrap metal dealer;*

36 *(2) vehicle dealer licensed under chapter 8 of the Kansas Statutes*
37 *Annotated, and amendments thereto; or*

38 *(3) scrap metal dealer or vehicle dealer registered or licensed in*
39 *another state.*

40 *(g) (1) Except as provided in subsection (g)(2), this section shall not*
41 *apply to transactions in which the seller is known to the purchasing*
42 *scrap metal dealer to be a licensed business that operates out of a fixed*
43 *business location and that can reasonably be expected to generate*

1 *regulated scrap metal.*

2 *(2) The attorney general may determine, by rules and regulations,*
3 *which of the requirements of this section shall apply to transactions*
4 *described in subsection (g)(1).*

5 *(h) The amendments made to subsection (e) by section 13 of chapter*
6 *96 of the 2015 Session Laws of Kansas shall be unenforceable and shall*
7 *not apply from the effective date of this to January 1, 2019.*

8 *Sec. 4. K.S.A. 2016 Supp. 50-6,112a is hereby amended to read as*
9 *follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any*
10 *regulated scrap metal without having first registered each place of*
11 *business with the attorney general as herein provided.*

12 *(b) The attorney general shall establish a system for the public to*
13 *confirm scrap metal dealer registration certificates. Such system shall*
14 *include a listing of valid registration certificates and such other*
15 *information collected pursuant to the scrap metal theft reduction act, as*
16 *the attorney general may determine is appropriate. Disclosure of any*
17 *information through use of the system established by the attorney*
18 *general shall not be deemed to be an endorsement of any scrap metal*
19 *dealer or determination of any facts, qualifications, information or*
20 *reputation of any scrap metal dealer by the attorney general, the state, or*
21 *any of their respective agents, officers, employees or assigns.*

22 *(c) A registration for a scrap metal dealer shall be verified and*
23 *upon a form approved by the attorney general and contain:*

24 *(1) (A) The name and residence of the applicant, including all*
25 *previous names and aliases; or*

26 *(B) if the applicant is a: Corporation, the name and address of each*
27 *manager, officer or director thereof, and each stockholder owning in the*
28 *aggregate more than 25% of the stock of such corporation; or*
29 *partnership or limited liability company, the name and address of each*
30 *partner or member;*

31 *(2) the length of time that the applicant has resided within the state*
32 *of Kansas and a list of all residences outside the state of Kansas during*
33 *the previous 10 years;*

34 *(3) the particular place of business for which a registration is*
35 *desired, the name of the business, the address where the business is to be*
36 *conducted, the hours of operation and the days of the week during*
37 *which the applicant proposes to engage in business;*

38 *(4) the name of the owner of the premises upon which the place of*
39 *business is located; and*

40 *(5) the applicant shall disclose any prior convictions within 10*
41 *years immediately preceding the date of making the registration for: A*
42 *violation of article 37 of chapter 21 of the Kansas Statutes Annotated,*
43 *prior to their repeal, or K.S.A. 2016 Supp. 21-5801 through 21-5839 or*

1 *K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto; perjury,*
2 *K.S.A. 21-3805, prior to its repeal, or K.S.A. 2016 Supp. 21-5903, and*
3 *amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its*
4 *repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to*
5 *its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal;*
6 *interference with law enforcement, K.S.A. 2016 Supp. 21-5904, and*
7 *amendments thereto; interference with judicial process, K.S.A. 2016*
8 *Supp. 21-5905, and amendments thereto; or any crime involving*
9 *dishonesty or false statement or any substantially similar offense*
10 *pursuant to the laws of any city, state or of the United States.*

11 *(d) Each registration for a scrap metal dealer to purchase regulated*
12 *scrap metal shall be accompanied by a fee of not less than \$500 nor*
13 *more than \$1,500, as prescribed by the attorney general for each*
14 *particular place of business for which a registration is desired.*

15 *(e) The attorney general shall accept a registration for a scrap*
16 *metal dealer as otherwise provided for herein, from any scrap metal*
17 *dealer qualified to file such registration, to purchase regulated scrap*
18 *metals. Such registration shall be issued for a period of one year.*

19 *(f) If an original registration is accepted, the attorney general shall*
20 *grant and issue renewals thereof upon application of the registration*
21 *holder, if the registration holder is qualified to receive the same and the*
22 *registration has not been revoked as provided by law. The renewal fee*
23 *shall be not more than \$1,500, as prescribed by the attorney general.*

24 *(g) Any registration issued under the scrap metal theft reduction act*
25 *shall not be transferable.*

26 *(h) This section shall not apply to a business licensed under the*
27 *provisions of K.S.A. 8-2404, and amendments thereto, unless such*
28 *business buys or recycles regulated scrap metal that are not motor*
29 *vehicle components.*

30 *(i) The amendments made to subsections (d) and (f) by section 15 of*
31 *chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and*
32 *shall not apply from the effective date of this act to January 1, 2019.*

33 *Sec. 5. K.S.A. 2016 Supp. 50-6,112b is hereby amended to read as*
34 *follows: 50-6,112b. (a) After examining the information contained in a*
35 *filing for a scrap metal dealer registration and determining the*
36 *registration meets the statutory requirements for such registration, the*
37 *attorney general shall accept such filing and the scrap metal dealer shall*
38 *be deemed to be properly registered.*

39 *(b) No scrap metal registration shall be accepted for:*

40 *(1) A person who is not a citizen or legal permanent resident of the*
41 *United States.*

42 *(2) A person who is under 18 years of age and whose parents or*
43 *legal guardians have been convicted of a felony or other crime which*

1 *would disqualify a person from registration under this section and such*
2 *crime was committed during the time that such parents or legal*
3 *guardians held a registration under the scrap metal theft reduction act.*

4 (3) *A person who, within 10 years immediately preceding the date of*
5 *filing, has pled guilty to, entered into a diversion agreement for, been*
6 *convicted of, released from incarceration for or released from probation*
7 *or parole for committing, attempting to commit, or conspiring to commit*
8 *a violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated,*
9 *prior to their repeal, or K.S.A. 2016 Supp. 21-5801 through 21-5839 or*
10 *K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto; perjury,*
11 *K.S.A. 21-3805, prior to its repeal, or K.S.A. 2016 Supp. 21-5903 and*
12 *amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its*
13 *repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to*
14 *its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal;*
15 *interference with law enforcement, K.S.A. 2016 Supp. 21-5904 and*
16 *amendments thereto; interference with judicial process, K.S.A. 2016*
17 *Supp. 21-5905 and amendments thereto; or any crime involving*
18 *dishonesty or false statement or any substantially similar offense*
19 *pursuant to the laws of any city, state or of the United States.*

20 (4) *A person who within the 10 years immediately preceding the*
21 *date of registration held a scrap metal dealer registration which was*
22 *revoked, or managed a facility for a scrap metal dealer whose*
23 *registration was revoked, or was an employee whose conduct led to or*
24 *contributed to the revocation of such registration.*

25 (5) *A person who makes a materially false statement on the*
26 *registration application or has made a materially false statement on a*
27 *registration or similar filing within the last 10 years.*

28 (6) *A partnership or limited liability company, unless all partners or*
29 *members of the partnership or limited liability company are otherwise*
30 *qualified to file a registration.*

31 (7) *A corporation, if any manager, officer or director thereof, or*
32 *any stockholder owning in the aggregate more than 25% of the stock of*
33 *such corporation, would be ineligible to receive a license hereunder for*
34 *any reason.*

35 (8) *A person whose place of business is conducted by a manager or*
36 *agent unless the manager or agent possesses all of the qualifications for*
37 *registration.*

38 (9) *A person whose spouse has been convicted of a felony or other*
39 *crime which would disqualify a person from registration under this*
40 *section and such crime was committed during the time that the spouse*
41 *held a registration under the scrap metal theft reduction act.*

42 (10) *A person who does not own the premises upon which the place*
43 *of business is located for which a license is sought, unless the person*

1 *has a written lease for at least $\frac{3}{4}$ of the period for which the license is to*
2 *be issued.*

3 *(c) Any person filing a scrap metal dealer registration may be*
4 *subject to a criminal history records check and may be given a written*
5 *notice that a criminal history records check is required. The attorney*
6 *general may require such applicant to be fingerprinted and submit to a*
7 *state and national criminal history record check. If required, such*
8 *fingerprints shall be used to identify the applicant and to determine*
9 *whether the applicant has a record of criminal history in this state or*
10 *another jurisdiction. The attorney general shall submit any fingerprints*
11 *provided to the Kansas bureau of investigation and the federal bureau of*
12 *investigation for a state and national criminal history record check.*
13 *Local and state law enforcement officers and agencies shall assist the*
14 *attorney general in the taking and processing of fingerprints of*
15 *applicants. The attorney general may use the information obtained from*
16 *fingerprinting and the criminal history for purposes of verifying the*
17 *identification of the applicant and in the official determination of*
18 *whether the scrap metal dealer registration shall be accepted. If the*
19 *criminal history record information is used to disqualify an applicant,*
20 *the applicant shall be informed in writing of that decision.*

21 *(d) The amendments made to subsections (b)(10) and (c) by section*
22 *16 of chapter 96 of the 2015 Session Laws of Kansas shall be*
23 *unenforceable and shall not apply from the effective date of this act to*
24 *January 1, 2019.*

25 Section 1. *{Sec. 6.}* K.S.A. 75-3036 is hereby amended to read as
26 follows: 75-3036. (a) The state general fund is exclusively defined as the
27 fund into which shall be placed all public moneys and revenue coming into
28 the state treasury not specifically authorized by the constitution or by
29 statute to be placed in a separate fund, and not given or paid over to the
30 state treasurer in trust for a particular purpose, which unallocated public
31 moneys and revenue shall constitute the general fund of the state; ~~but~~
32 Moneys received or to be used under constitutional or statutory provisions
33 or under the terms of a gift or payment for a particular and specific
34 purpose are to be kept as separate funds and shall not be placed in the
35 general fund or ever become a part of it, ~~except by proper statutory~~
36 ~~enactment, and.~~

37 *(b) The following funds shall be used for the purposes set forth in the*
38 *statutes concerning such funds and for no other governmental purposes. It*
39 *is the intent of the legislature that the following funds and the moneys*
40 *deposited in such funds shall remain intact and inviolate for the purposes*
41 *set forth in the statutes concerning such funds: Board of accountancy fee*
42 *fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special*
43 *litigation reserve fund of the board of accountancy; bank commissioner*

1 *fee fund, K.S.A. 9-1703, 16a-2-302, 17-5610, 17-5701 and 75-1308, and*
2 *amendments thereto, bank investigation fund, K.S.A. 9-1111b, and*
3 *amendments thereto, consumer education settlement fund and litigation*
4 *expense fund of the state bank commissioner; securities act fee fund and*
5 *investor education and protection fund, K.S.A. 17-12a601, and*
6 *amendments thereto, of the office of the securities commissioner of*
7 *Kansas; credit union fee fund, K.S.A. 17-2236, and amendments thereto, of*
8 *the state department of credit unions; court reporters fee fund, K.S.A. 20-*
9 *1a02, and amendments thereto, and bar admission fee fund, K.S.A. 20-*
10 *1a03, and amendments thereto, of the judicial branch; fire marshal fee*
11 *fund, K.S.A. 31-133a and 31-134, and amendments thereto, and boiler*
12 *inspection fee fund, K.S.A. 44-926, and amendments thereto, of the state*
13 *fire marshal; food service inspection reimbursement fund, K.S.A. 36-512,*
14 *and amendments thereto, of the Kansas department of agriculture; wage*
15 *claims assignment fee fund, K.S.A. 44-324, and amendments thereto, and*
16 *workmen's compensation fee fund, K.S.A. 74-715, and amendments*
17 *thereto, of the department of labor; veterinary examiners fee fund, K.S.A.*
18 *47-820, and amendments thereto, of the state board of veterinary*
19 *examiners; mined-land reclamation fund, K.S.A. 49-420, and amendments*
20 *thereto, of the department of health and environment; conservation fee*
21 *fund and well plugging assurance fund, K.S.A. 55-155, 55-176, 55-609,*
22 *55-711 and 55-901, and amendments thereto, gas pipeline inspection fee*
23 *fund, K.S.A. 66-1,155, and amendments thereto, and public service*
24 *regulation fund, K.S.A. 66-1503, and amendments thereto, of the state*
25 *corporation commission; land survey fee fund, K.S.A. 58-2011, and*
26 *amendments thereto, of the state historical society; real estate recovery*
27 *revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas*
28 *real estate commission; appraiser fee fund, K.S.A. 58-4107, and*
29 *amendments thereto, and appraisal management companies fee fund of the*
30 *real estate appraisal board; amygdalin (laetrile) enforcement fee fund,*
31 *K.S.A. 65-6b10, and amendments thereto; mortuary arts fee fund, K.S.A.*
32 *65-1718, and amendments thereto, of the state board of mortuary arts;*
33 *board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of*
34 *the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and*
35 *74-2704, and amendments thereto, of the Kansas state board of*
36 *cosmetology; healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-*
37 *5413, 65-5513, 65-6910, 65-7210 and 65-7309, and amendments thereto,*
38 *and medical records maintenance trust fund, of the state board of healing*
39 *arts; other state fees fund, K.S.A. 2016 Supp. 65-4024b, and amendments*
40 *thereto, of the Kansas department for aging and disability services; board*
41 *of nursing fee fund, K.S.A. 74-1108, and amendments thereto, of the board*
42 *of nursing; dental board fee fund, K.S.A. 74-1405, and amendments*
43 *thereto, and special litigation reserve fund, of the Kansas dental board;*

1 *optometry fee fund, K.S.A. 74-1503, and amendments thereto, and*
2 *optometry litigation fund, of the board of examiners in optometry; state*
3 *board of pharmacy fee fund, K.S.A. 74-1609, and amendments thereto, and*
4 *state board of pharmacy litigation fund, of the state board of pharmacy;*
5 *abstracters' fee fund, K.S.A. 74-3903, and amendments thereto, of the*
6 *abstracters' board of examiners; athletic fee fund, K.S.A. 2016 Supp. 74-*
7 *50,188, and amendments thereto, of the department of commerce; hearing*
8 *instrument board fee fund, K.S.A. 74-5805, and amendments thereto, and*
9 *hearing instrument litigation fund of the Kansas board of examiners in*
10 *fitting and dispensing of hearing instruments; commission on disability*
11 *concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the*
12 *governor's department; technical professions fee fund, K.S.A. 74-7009,*
13 *and amendments thereto, and special litigation reserve fund of the state*
14 *board of technical professions; behavioral sciences regulatory board fee*
15 *fund, K.S.A. 74-7506, and amendments thereto, of the behavioral sciences*
16 *regulatory board; governmental ethics commission fee fund, K.S.A. 25-*
17 *4119e, and amendments thereto, of the governmental ethics commission;*
18 *emergency medical services board operating fund, K.S.A. 75-1514, and*
19 *amendments thereto, of the emergency medical services board; fire service*
20 *training program fund, K.S.A. 75-1514, and amendments thereto, of the*
21 *university of Kansas; uniform commercial code fee fund, K.S.A. 2016*
22 *Supp. 75-448, and amendments thereto, of the secretary of state; prairie*
23 *spirit rails-to-trails fee fund of the Kansas department of wildlife, parks*
24 *and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments*
25 *thereto, of the Kansas water office; insurance department service*
26 *regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance*
27 *department; state fair special cash fund, K.S.A. 2-220, and amendments*
28 *thereto, of the state fair board; **scrap metal theft reduction fee fund,***
29 **K.S.A. 2016 Supp. 50-6,109a, and amendments thereto; and any other**
30 **fund in which fees are deposited for licensing, regulating or certifying a**
31 **person, profession, commodity or product.**

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

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

43 (2) **any agency that receives fees from a tax, fee, charge or levy**

1 **paid to the commissioner of insurance shall post the notification**
2 **required by this subsection on such agency's website.**

3 (d) Any such moneys which are wrongfully or by mistake placed in
4 the general fund shall constitute a proper charge against such general fund:
5 ~~Provided, That~~. All legislative appropriations which do not designate a
6 specific fund from which they are to be paid shall be considered to be
7 proper charges against the general fund of the state:~~Provided further, That~~.
8 All revenues received by the state of Kansas or any department, board,
9 commission, or institution of the state of Kansas, and required to be paid
10 into the state treasury shall be placed in and become a part of the state
11 general fund, except as *otherwise* provided ~~in this act~~ by law.

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

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

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

27 Sec. ~~2~~ {7.} K.S.A. 75-3036 ~~is~~ {and K.S.A. 2016 Supp. 50-6,109a,
28 50-6,109c, 50-6,110, 50-6,112a and 50-6,112b are} hereby repealed.

29 Sec. ~~3~~ {8.} This act shall take effect and be in force from and after its
30 publication in the ~~statute book~~ {Kansas register}.