

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 237** submits the following report:

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

On page 1, by striking all in lines 14 through 32;

On page 2, by striking all in lines 1 through 20; by striking all in lines 41 through 43;

By striking all on page 3;

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

"Section 1. K.S.A. 2024 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) (1) Except as provided in paragraph (2), the attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

~~(1)~~(A) Employ or appoint agents as necessary to implement, administer and enforce the act;

~~(2)~~(B) contract;

~~(3)~~(C) expend funds;

~~(4)~~(D) license and discipline;

~~(5)~~(E) investigate;

~~(6)~~(F) issue subpoenas;

~~(7)~~(G) keep statistics; and

~~(8)~~(H) conduct education and outreach programs to promote compliance with the act.

(2) Kansas law enforcement officers are hereby authorized to conduct investigations of

violations of the scrap metal theft reduction act. Upon conclusion of an investigation, investigative reports shall be submitted to the attorney general regardless of whether any local action was taken as a result of such investigation.

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

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) There is hereby established in the state treasury the scrap metal data repository fund to be administered by the director of the Kansas bureau of investigation. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas bureau of investigation or the director's designee. All moneys credited to the scrap metal data repository

fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(e) The attorney general may transfer any moneys from the scrap metal theft reduction fee fund to the scrap metal data repository fund. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(f) On July 1, 2020, the Kansas bureau of investigation shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2024 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(g) The information maintained in such database by the Kansas bureau of investigation, or by any entity contracting with the Kansas bureau of investigation, submitted to, maintained or stored as part of the system may be provided to the attorney general and shall:

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

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(h) On or before February 1, 2021, and annually on or before February 1 thereafter, the attorney general shall submit a report to the president of the senate, the speaker of the house of

representatives and the standing committees on judiciary in the senate and the house of representatives on the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act.

(i) Any entity contracting with the attorney general or the Kansas bureau of investigation to provide or maintain the database required by this section shall not require a scrap metal dealer to contract with such entity for the authority to release proprietary or confidential data, including, but not limited to, customer information. Such entity shall not charge any fee to the scrap metal dealer as a condition of providing information to the database as required by the scrap metal theft reduction act, including, but not limited to, a fee for electronic submission of information.

(j) A scrap metal dealer providing information to the database as required by the scrap metal theft reduction act shall not be subject to civil liability for any claim arising from the negligence or omission by the state of Kansas or any contracting entity in the collection, storing or release of information provided by such scrap metal dealer to the database.

Sec. 2. K.S.A. 2024 Supp. 50-6,109a is hereby repealed.";

Also on page 4, in line 37, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the stricken material; in line 5, by striking all after the stricken material; by striking all in line 6; in line 7, by striking "3002"; also in line 7, by striking all after the stricken material; in line 8, by striking all before the period and inserting "the scrap metal theft reduction act; authorizing law enforcement officers to conduct investigations of violations

of the act; amending K.S.A. 2024 Supp. 50-6,109a and repealing the existing section";

Also on page 1, by striking all in lines 10 through 12;

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

Conferees on part of House

Conferees on part of Senate