

House Substitute for SENATE BILL No. 138

By Committee on Judiciary

3-19

1 AN ACT concerning the scrap metal theft reduction act; authorizing law
2 enforcement officers to conduct investigations of violations of the act;
3 amending K.S.A. 2024 Supp. 50-6,109a and repealing the existing
4 section.

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

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

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

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

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

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

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

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

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

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

22 *(2) Kansas law enforcement officers are hereby authorized to conduct*
23 *investigations of violations of the scrap metal theft reduction act. Upon*
24 *conclusion of an investigation, investigative reports shall be submitted to*
25 *the attorney general regardless of whether any local action was taken as a*
26 *result of such investigation.*

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

31 (c) There is hereby established in the state treasury the scrap metal
32 theft reduction fee fund to be administered by the attorney general. All
33 moneys received by the attorney general from fees, charges or penalties
34 collected under the provisions of the scrap metal theft reduction act shall
35 be remitted to the state treasurer in accordance with the provisions of
36 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 attorney
5 general or the attorney general's designee. All moneys credited to the scrap
6 metal theft reduction fee fund shall be expended for the administration of
7 the duties, functions and operating expenses incurred under the provisions
8 of the scrap metal theft reduction act.

9 (d) There is hereby established in the state treasury the scrap metal
10 data repository fund to be administered by the director of the Kansas
11 bureau of investigation. All expenditures from such fund shall be made in
12 accordance with appropriation acts upon warrants of the director of
13 accounts and reports issued pursuant to vouchers approved by the director
14 of the Kansas bureau of investigation or the director's designee. All
15 moneys credited to the scrap metal data repository fund shall be expended
16 for the administration of the duties, functions and operating expenses
17 incurred under the provisions of the scrap metal theft reduction act.

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

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

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

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

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

40 (h) On or before February 1, 2021, and annually on or before
41 February 1 thereafter, the attorney general shall submit a report to the
42 president of the senate, the speaker of the house of representatives and the
43 standing committees on judiciary in the senate and the house of

1 representatives on the implementation, administration and enforcement of
2 the provisions of the scrap metal theft reduction act.

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

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

16 Sec. 2. K.S.A. 2024 Supp. 50-6,109a 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.