

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2660

By Committee on Judiciary

2-10

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**  
18 **the statutes concerning such funds and for no other governmental**  
19 **purposes. It is the intent of the legislature that the following funds and**  
20 **the moneys deposited in such funds shall remain intact and inviolate**  
21 **for the purposes set forth in the statutes concerning such funds: Board**  
22 **of accountancy fee fund, K.S.A. 1-204 and 75-1119b, and amendments**  
23 **thereto, and special litigation reserve fund of the board of**  
24 **accountancy; bank commissioner fee fund, K.S.A. 9-1703, 16a-2-302,**  
25 **17-5610, 17-5701 and 75-1308, and amendments thereto, bank**  
26 **investigation fund, K.S.A. 9-1111b, and amendments thereto,**  
27 **consumer education settlement fund and litigation expense fund, of**  
28 **the state bank commissioner; securities act fee fund and investor**  
29 **education and protection fund, K.S.A. 17-12a601, and amendments**  
30 **thereto, of the office of securities commissioner of Kansas; credit**  
31 **union fee fund, K.S.A. 17-2236, and amendments thereto, of the state**  
32 **department of credit unions; court reporters fee fund, K.S.A. 20-1a02,**  
33 **and amendments thereto, and bar admission fee fund, K.S.A. 20-1a03,**  
34 **and amendments thereto, of the judicial branch; fire marshal fee fund,**  
35 **K.S.A. 31-133a and 31-134, and amendments thereto, and boiler**  
36 **inspection fee fund, K.S.A. 44-926, and amendments thereto, of the**

1 state fire marshal; food service inspection reimbursement fund, K.S.A.  
2 36-512, and amendments thereto, of the Kansas department of  
3 agriculture; wage claims assignment fee fund, K.S.A. 44-324, and  
4 amendments thereto, and workmen's compensation fee fund, K.S.A.  
5 74-715, and amendments thereto, of the department of labor;  
6 veterinary examiners fee fund, K.S.A. 47-820, and amendments  
7 thereto, of the state board of veterinary examiners; mined-land  
8 reclamation fund, K.S.A. 49-420, and amendments thereto, of the  
9 department of health and environment; conservation fee fund and  
10 well plugging assurance fund, K.S.A. 55-155, 55-176, 55-609, 55-711  
11 and 55-901, and amendments thereto, gas pipeline inspection fee fund,  
12 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  
16 recovery revolving fund, K.S.A. 58-3074, and amendments thereto, of  
17 the Kansas real estate commission; appraiser fee fund, K.S.A. 58-4107,  
18 and amendments thereto, and appraisal management companies fee  
19 fund of the real estate appraisal board; amygdalin (laetrile)  
20 enforcement fee fund, K.S.A. 65-6b10, and amendments thereto;  
21 mortuary arts fee fund, K.S.A. 65-1718, and amendments thereto, of  
22 the state board of mortuary arts; board of barbering fee fund, K.S.A.  
23 65-1817a, and amendments thereto, of the Kansas board of barbering;  
24 cosmetology fee fund, K.S.A. 65-1951 and 74-2704, and amendments  
25 thereto, of the Kansas state board of cosmetology; healing arts fee  
26 fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-5513, 65-6910, 65-  
27 7210 and 65-7309, and amendments thereto, and medical records  
28 maintenance trust fund, of the state board of healing arts; other state  
29 fees fund K.S.A. 2015 Supp. 65-4024b, and amendments thereto, of the  
30 Kansas department for aging and disability services; board of nursing  
31 fee fund, K.S.A. 74-1108, and amendments thereto, of the board of  
32 nursing; dental board fee fund, K.S.A. 74-1405, and amendments  
33 thereto, and special litigation reserve fund, of the Kansas dental  
34 board; optometry fee fund, K.S.A. 74-1503, and amendments thereto,  
35 and optometry litigation fund, of the board of examiners in  
36 optometry; state board of pharmacy fee fund, K.S.A. 74-1609, and  
37 amendments thereto, and state board of pharmacy litigation fund, of  
38 the state board of pharmacy; abstracters' fee fund, K.S.A. 74-3903,  
39 and amendments thereto, of the abstracters' board of examiners;  
40 athletic fee fund, K.S.A. 2015 Supp. 74-50,188, and amendments  
41 thereto, of the department of commerce; hearing instrument board fee  
42 fund, K.S.A. 74-5805, and amendments thereto, and hearing  
43 instrument litigation fund of the Kansas board of examiners in fitting

1 and dispensing of hearing instruments; commission on disability  
2 concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the  
3 governor's department; technical professions fee fund, K.S.A. 74-7009,  
4 and amendments thereto, and special litigation reserve fund, of the  
5 state board of technical professions; behavioral sciences regulatory  
6 board fee fund, K.S.A. 74-7506, and amendments thereto, of the  
7 behavioral sciences regulatory board; governmental ethics  
8 commission fee fund, K.S.A. 25-4119e, and amendments thereto, of the  
9 governmental ethics commission; emergency medical services board  
10 operating fund, K.S.A. 75-1514, and amendments thereto, of the  
11 emergency medical services board; fire service training program fund,  
12 K.S.A. 75-1514, and amendments thereto, of the university of Kansas;  
13 uniform commercial code fee fund, K.S.A. 2015 Supp. 75-448, and  
14 amendments thereto, of the secretary of state; prairie spirit rails-to-  
15 trails fee fund of the Kansas department of wildlife, parks and  
16 tourism; water marketing fund, K.S.A. 82a-1315c, and amendments  
17 thereto, of the Kansas water office; insurance department service  
18 regulation fund, K.S.A. 40-112, and amendments thereto, of the  
19 insurance department; state fair special cash fund, K.S.A. 2-220, and  
20 amendments thereto, of the state fair board; and any other fund in  
21 which fees are deposited for licensing, regulating or certifying a  
22 person, profession, commodity or product.

23 (c) *If moneys received pursuant to statutory provisions for a specific*  
24 *purpose by a fee agency are proposed to be transferred to the state*  
25 *general fund or a special revenue fund to be expended for general*  
26 *government services and purposes in the governor's budget report*  
27 *submitted pursuant to K.S.A. 75-3721, and amendments thereto, or*  
28 *any introduced house or senate bill, the person or business entity who*  
29 *paid such moneys within the preceding 24-month period shall be*  
30 *notified, in writing, within 60 days of such transfer. The department of*  
31 *administration shall be responsible for such notification.* **by the fee**  
32 **agency within 30 days of such submission or introduction by electronic**  
33 **means, if the fee agency has an electronic address on record for such**  
34 **person or business entity. If no such electronic address is available, the**  
35 **fee agency shall send written notice by first class mail.**

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

1 general fund, except as *otherwise* provided in this act by law.

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

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

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

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