

SENATE BILL No. 353

By Committee on Ways and Means

2-1

1 AN ACT concerning boiler inspections; abolishing the boiler inspection
2 fee fund; transferring moneys to the fire marshal fee fund; amending
3 K.S.A. 2017 Supp. 44-926, 44-931 and 75-3036 and repealing the
4 existing sections.
5

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

7 Section 1. K.S.A. 2017 Supp. 44-926 is hereby amended to read as
8 follows: 44-926. (a) The owner or user of a boiler or pressure vessel
9 required by ~~this~~ *the boiler safety* act to be inspected by the chief inspector
10 or a deputy inspector shall pay directly to the office of the state fire
11 marshal, upon completion of inspection, inspection fees fixed by the state
12 fire marshal in accordance with this section. The state fire marshal shall
13 fix, by rules and regulations, a schedule of fees for inspections of pressure
14 vessels installed after January 1, 1999, and boilers by state inspectors and
15 may fix different fees for inspection of boilers and pressure vessels in the
16 various categories. Such fees shall not exceed \$500 per day for each boiler
17 or pressure vessel inspected.

18 (b) The owner or user of a boiler or pressure vessel for which an
19 inspection certificate is to be issued pursuant to ~~subsection (b) of~~ K.S.A.
20 44-924(b), and amendments thereto, shall pay directly to the office of the
21 state fire marshal, before issuance of such certificate, a certificate fee fixed
22 by the state fire marshal by rules and regulations of not to exceed \$35.

23 (c) ~~There is hereby created in the state treasury the boiler inspection~~
24 ~~fee fund.~~ The state fire marshal shall remit all moneys received from the
25 fees established hereunder to the state treasurer in accordance with the
26 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
27 each such remittance, the state treasurer shall deposit the entire amount in
28 the state treasury. Ten percent of such inspection fees shall be credited to
29 the state general fund and the balance including all of the certificate fees
30 shall be credited to the ~~boiler inspection~~ *fire marshal* fee fund. ~~All~~
31 ~~expenditures from the boiler inspection fee fund shall be made in~~
32 ~~accordance with appropriation acts upon warrants of the director of~~
33 ~~accounts and reports issued pursuant to vouchers approved by the state fire~~
34 ~~marshal, or by a person or persons designated by the state fire marshal.~~

35 (d) *On the effective date of this act, the director of accounts and*
36 *reports shall transfer all moneys in the boiler inspection fee fund to the*

1 *fire marshal fee fund. On the effective date of this act, all liabilities of the*
2 *boiler inspection fee fund are hereby transferred to and imposed on fire*
3 *marshal fee fund and the boiler inspection fee fund is hereby abolished.*

4 Sec. 2. K.S.A. 2017 Supp. 44-931 is hereby amended to read as
5 follows: 44-931. (a) All of the powers, duties and functions of the
6 secretary of labor under the boiler safety act, K.S.A. 44-913 et seq., and
7 amendments thereto, are hereby transferred to and conferred and imposed
8 upon the office of state fire marshal.

9 (b) ~~In accordance with the provisions of appropriation acts, the office~~
10 ~~of state fire marshal shall administer the boiler inspection fee fund,~~
11 ~~established by K.S.A. 44-926, and amendments thereto.~~

12 (e)—All liabilities of the secretary of labor, including accrued
13 compensation or salaries of officers and employees who are transferred to
14 the office of state fire marshal under this section shall be assumed and paid
15 by the office of state fire marshal.

16 Sec. 3. K.S.A. 2017 Supp. 75-3036 is hereby amended to read as
17 follows: 75-3036. (a) The state general fund is exclusively defined as the
18 fund into which shall be placed all public moneys and revenue coming into
19 the state treasury not specifically authorized by the constitution or by
20 statute to be placed in a separate fund, and not given or paid over to the
21 state treasurer in trust for a particular purpose, which unallocated public
22 moneys and revenue shall constitute the general fund of the state. Moneys
23 received or to be used under constitutional or statutory provisions or under
24 the terms of a gift or payment for a particular and specific purpose are to
25 be kept as separate funds and shall not be placed in the general fund or
26 ever become a part of it.

27 (b) The following funds shall be used for the purposes set forth in the
28 statutes concerning such funds and for no other governmental purposes. It
29 is the intent of the legislature that the following funds and the moneys
30 deposited in such funds shall remain intact and inviolate for the purposes
31 set forth in the statutes concerning such funds: Board of accountancy fee
32 fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special
33 litigation reserve fund of the board of accountancy; bank commissioner fee
34 fund, K.S.A. 9-1703, 16a-2-302, 17-5610, 17-5701 and 75-1308, and
35 amendments thereto, bank investigation fund, K.S.A. 9-1111b, and
36 amendments thereto, consumer education settlement fund and litigation
37 expense fund of the state bank commissioner; securities act fee fund and
38 investor education and protection fund, K.S.A. 17-12a601, and
39 amendments thereto, of the office of the securities commissioner of
40 Kansas; credit union fee fund, K.S.A. 17-2236, and amendments thereto,
41 of the state department of credit unions; court reporters fee fund, K.S.A.
42 20-1a02, and amendments thereto, and bar admission fee fund, K.S.A. 20-
43 1a03, and amendments thereto, of the judicial branch; fire marshal fee

1 fund, K.S.A. 31-133a~~and~~, 31-134 *and* 44-926, and amendments thereto,
2 ~~and boiler inspection fee fund, K.S.A. 44-926, and amendments thereto,~~
3 the state fire marshal; food service inspection reimbursement fund, K.S.A.
4 36-512, and amendments thereto, of the Kansas department of agriculture;
5 wage claims assignment fee fund, K.S.A. 44-324, and amendments
6 thereto, and workmen's compensation fee fund, K.S.A. 74-715, and
7 amendments thereto, of the department of labor; veterinary examiners fee
8 fund, K.S.A. 47-820, and amendments thereto, of the state board of
9 veterinary examiners; mined-land reclamation fund, K.S.A. 49-420, and
10 amendments thereto, of the department of health and environment;
11 conservation fee fund and well plugging assurance fund, K.S.A. 55-155,
12 55-176, 55-609, 55-711 and 55-901, and amendments thereto, gas pipeline
13 inspection fee fund, K.S.A. 66-1,155, and amendments thereto, and public
14 service regulation fund, K.S.A. 66-1503, and amendments thereto, of the
15 state corporation commission; land survey fee fund, K.S.A. 58-2011, and
16 amendments thereto, of the state historical society; real estate recovery
17 revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas
18 real estate commission; appraiser fee fund, K.S.A. 58-4107, and
19 amendments thereto, and appraisal management companies fee fund of the
20 real estate appraisal board; amygdalin (laetrile) enforcement fee fund,
21 K.S.A. 65-6b10, and amendments thereto; mortuary arts fee fund, K.S.A.
22 65-1718, and amendments thereto, of the state board of mortuary arts;
23 board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of
24 the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and
25 74-2704, and amendments thereto, of the Kansas state board of
26 cosmetology; healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-
27 5413, 65-5513, 65-6910, 65-7210 and 65-7309, and amendments thereto,
28 and medical records maintenance trust fund, of the state board of healing
29 arts; other state fees fund, K.S.A. 2017 Supp. 65-4024b, and amendments
30 thereto, of the Kansas department for aging and disability services; board
31 of nursing fee fund, K.S.A. 74-1108, and amendments thereto, of the board
32 of nursing; dental board fee fund, K.S.A. 74-1405, and amendments
33 thereto, and special litigation reserve fund, of the Kansas dental board;
34 optometry fee fund, K.S.A. 74-1503, and amendments thereto, and
35 optometry litigation fund, of the board of examiners in optometry; state
36 board of pharmacy fee fund, K.S.A. 74-1609, and amendments thereto,
37 and state board of pharmacy litigation fund, of the state board of
38 pharmacy; abstracters' fee fund, K.S.A. 74-3903, and amendments thereto,
39 of the abstracters' board of examiners; athletic fee fund, K.S.A. 2017 Supp.
40 74-50,188, and amendments thereto, of the department of commerce;
41 hearing instrument board fee fund, K.S.A. 74-5805, and amendments
42 thereto, and hearing instrument litigation fund of the Kansas board of
43 examiners in fitting and dispensing of hearing instruments; commission on

1 disability concerns fee fund, K.S.A. 74-6708, and amendments thereto, of
2 the governor's department; technical professions fee fund, K.S.A. 74-7009,
3 and amendments thereto, and special litigation reserve fund of the state
4 board of technical professions; behavioral sciences regulatory board fee
5 fund, K.S.A. 74-7506, and amendments thereto, of the behavioral sciences
6 regulatory board; governmental ethics commission fee fund, K.S.A. 25-
7 4119e, and amendments thereto, of the governmental ethics commission;
8 emergency medical services board operating fund, K.S.A. 75-1514, and
9 amendments thereto, of the emergency medical services board; fire service
10 training program fund, K.S.A. 75-1514, and amendments thereto, of the
11 university of Kansas; uniform commercial code fee fund, K.S.A. 2017
12 Supp. 75-448, and amendments thereto, of the secretary of state; prairie
13 spirit rails-to-trails fee fund of the Kansas department of wildlife, parks
14 and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments
15 thereto, of the Kansas water office; insurance department service
16 regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance
17 department; state fair special cash fund, K.S.A. 2-220, and amendments
18 thereto, of the state fair board; scrap metal theft reduction fee fund, K.S.A.
19 2017 Supp. 50-6,109a, and amendments thereto; and any other fund in
20 which fees are deposited for licensing, regulating or certifying a person,
21 profession, commodity or product.

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

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

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

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 All legislative appropriations which do not designate a specific fund from
39 which they are to be paid shall be considered to be proper charges against
40 the general fund of the state. All revenues received by the state of Kansas
41 or any department, board, commission, or institution of the state of
42 Kansas, and required to be paid into the state treasury shall be placed in
43 and become a part of the state general fund, except as otherwise provided

1 by law.

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

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

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

17 Sec. 4. K.S.A. 2017 Supp. 44-926, 44-931 and 75-3036 are hereby
18 repealed.

19 Sec. 5. This act shall take effect and be in force from and after its
20 publication in the statute book.