AN ACT concerning certain state agencies; relating to the transfer of fees; notification of such transfer; amending K.S.A. 75-3036 and repealing the existing section.

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

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

    (b) The following funds shall be used for the purposes set forth in the statutes concerning such funds and for no other governmental purposes. It is the intent of the legislature that the following funds and the moneys deposited in such funds shall remain intact and inviolate for the purposes set forth in the statutes concerning such funds: Board of accountancy fee fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special litigation reserve fund of the board of accountancy; bank commissioner fee fund, K.S.A. 9-1703, 16a-2-302, 17-5610, 17-5701 and 75-1308, and amendments thereto, bank investigation fund, K.S.A. 9-1111b, and amendments thereto, consumer education settlement fund and litigation expense fund of the state bank commissioner; securities act fee fund and investor education and protection fund, K.S.A. 17-12a601, and amendments thereto, of the office of the securities commissioner of Kansas; credit union fee fund, K.S.A. 17-2236, and amendments thereto, of the state department of credit unions; court reporters fee fund, K.S.A. 20-1a02, and amendments thereto, and bar admission fee fund, K.S.A. 20-1a03, and amendments thereto, of the judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and amendments thereto, and boiler
inspection fee fund, K.S.A. 44-926, and amendments thereto, of the state
fire marshal; food service inspection reimbursement fund, K.S.A. 36-512,
and amendments thereto, of the Kansas department of agriculture; wage
claims assignment fee fund, K.S.A. 44-324, and amendments thereto, and
workmen's compensation fee fund, K.S.A. 74-715, and amendments
thereto, of the department of labor; veterinary examiners fee fund, K.S.A.
47-820, and amendments thereto, of the state board of veterinary
examiners; mined-land reclamation fund, K.S.A. 49-420, and amendments
thereto, of the department of health and environment; conservation fee
fund and well plugging assurance fund, K.S.A. 55-155, 55-176, 55-609,
55-711 and 55-901, and amendments thereto, gas pipeline inspection fee
fund, K.S.A. 66-1,155, and amendments thereto, and public service
regulation fund, K.S.A. 66-1503, and amendments thereto, of the state
corporation commission; land survey fee fund, K.S.A. 58-2011, and
amendments thereto, of the state historical society; real estate recovery
revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas
real estate commission; appraiser fee fund, K.S.A. 58-4107, and
amendments thereto, and appraisal management companies fee fund of the
real estate appraisal board; amygdalin (laetrile) enforcement fee fund,
K.S.A. 65-6b10, and amendments thereto; mortuary arts fee fund, K.S.A.
65-1718, and amendments thereto, of the state board of mortuary arts;
board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of
the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and
74-2704, and amendments thereto, of the Kansas state board of
cosmetology; healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-
5413, 65-5513, 65-6910, 65-7210 and 65-7309, and amendments thereto,
and medical records maintenance trust fund, of the state board of healing
arts; other state fees fund, K.S.A. 2016 Supp. 65-4024b, and amendments
thereto, of the Kansas department for aging and disability services; board
of nursing fee fund, K.S.A. 74-1108, and amendments thereto, of the board
of nursing; dental board fee fund, K.S.A. 74-1405, and amendments
thereto, and special litigation reserve fund, of the Kansas dental board;
optometry fee fund, K.S.A. 74-1503, and amendments thereto, and
optometry litigation fund, of the board of examiners in optometry; state
board of pharmacy fee fund, K.S.A. 74-1609, and amendments thereto, and
state board of pharmacy litigation fund, of the state board of pharmacy;
abstracters' fee fund, K.S.A. 74-3903, and amendments thereto, of the
abstracters' board of examiners; athletic fee fund, K.S.A. 2016 Supp. 74-
50,188, and amendments thereto, of the department of commerce; hearing
instrument board fee fund, K.S.A. 74-5805, and amendments thereto, and
hearing instrument litigation fund of the Kansas board of examiners in
fitting and dispensing of hearing instruments; commission on disability
concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the
governor's department; technical professions fee fund, K.S.A. 74-7009, and amendments thereto, and special litigation reserve fund of the state board of technical professions; behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and amendments thereto, of the behavioral sciences regulatory board; governmental ethics commission fee fund, K.S.A. 25-4119e, and amendments thereto, of the governmental ethics commission; emergency medical services board operating fund, K.S.A. 75-1514, and amendments thereto, of the emergency medical services board; fire service training program fund, K.S.A. 75-1514, and amendments thereto, of the university of Kansas; uniform commercial code fee fund, K.S.A. 2016 Supp. 75-448, and amendments thereto, of the secretary of state; prairie spirit rails-to-trails fee fund of the Kansas department of wildlife, parks and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the Kansas water office; insurance department service regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance department; state fair special cash fund, K.S.A. 2-220, and amendments thereto, of the state fair board; scrap metal theft reduction fee fund, K.S.A. 2016 Supp. 50-6,109a, and amendments thereto; and any other fund in which fees are deposited for licensing, regulating or certifying a person, profession, commodity or product.

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

1. By electronic means, if the fee agency has an electronic address on record for such person or business entity. If no such electronic address is available, the fee agency shall send written notice by first class mail;
2. any agency that receives fees from a tax, fee, charge or levy paid to the commissioner of insurance shall post the notification required by this subsection on such agency's website.

(d) Any such moneys which are wrongfully or by mistake placed in the general fund shall constitute a proper charge against such general fund:

Provided, That. All legislative appropriations which do not designate a specific fund from which they are to be paid shall be considered to be proper charges against the general fund of the state; provided further, That. All revenues received by the state of Kansas or any department, board, commission, or institution of the state of Kansas, and required to be paid into the state treasury shall be placed in and become a part of the state general fund, except as otherwise provided in this act by law.
(e) The provisions of this section shall not apply to the 10% credited to the state general fund to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, as provided in K.S.A. 75-3170a, and amendments thereto.

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

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

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

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