

HOUSE BILL No. 2368

By Committee on Appropriations

3-3

PROPOSED AMENDMENTS TO HB 2368

For Consideration by Committee on Appropriations

March 8, 2011

Appropriations Committee  
Date March 8, 2011  
Attachment 1

1 AN ACT concerning ~~appropriations~~; relating to fee funds; abolishing  
 2 certain credits to the state general fund; amending K.S.A. 1-204, 17-  
 3 12a601, 17-22236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-  
 4 176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1718,  
 5 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-5513, 65-7210,  
 6 66-1, 66-155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-  
 7 2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-  
 8 302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-  
 9 4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50, 188, 74-5805, 74-  
 10 6708, 74-7009, 75-1119b, 75-1308, 75-1514, ~~75-3170a~~ and 84-9-801  
 11 and repealing the existing sections; also repealing K.S.A. 75-3170.  
 12

state finance

and K.S.A. 2010 Supp. 75-3170a

13 *Be it enacted by the Legislature of the State of Kansas:*  
 14 Section 1. K.S.A. 2010 Supp. 75-3170a is hereby amended to read  
 15 as follows: 75-3170a. (a) The 20% credit to the state general fund  
 16 required by K.S.A. 1-204, 2-3506, 9-1703, 16-609, 16a-2-302, 17-22236,  
 17 17-5609, 17-5610, 17-5612, 17-5701, 20-1a02, 20-1a03, 31-133a, 31-  
 18 134, 44-324, 44-926, 47-820, 49-420, 55-155, 55-176, 55-609, 55-711,  
 19 55-901, 58-2011, 58-3074, 58-4107, 65-6b10, 65-1718, 65-1817a, 65-  
 20 2011, 65-2855, 65-2911, 65-4610, 65-5413, 65-5513, 66-1, 66-155, 66-1503,  
 21 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903, 74-  
 22 5805, 74-7009, 74-7506, 75-1119b, 75-1308, 75-1514, 84-9-411 and 84-  
 23 9-412, and K.S.A. 2010 Supp. 17-12a601, and amendments thereto, is to  
 24 reimburse the state general fund for accounting, auditing, budgeting,  
 25 legal, payroll, personnel and purchasing services, and any and all other  
 26 state governmental services, which are performed on behalf of the state  
 27 agency involved by other state agencies which receive appropriations  
 28 from the state general fund to provide such services.  
 29 (b) Nothing in this act or in the sections amended by this act or  
 30 referred to in subsection (a), shall be deemed to authorize remittances to  
 31 be made less frequently than is authorized under K.S.A. 75-4215 and  
 32 amendments thereto.  
 33 (c) ~~Notwithstanding any provision of any statute referred to in or~~  
 34 ~~amended by this act or referred to in subsection (a), whenever in any~~  
 35 ~~fiscal year such 20% credit to the state general fund in relation to any~~  
 36 ~~particular fee fund is \$200,000, in that fiscal year the 20% credit no~~

1 ~~longer shall apply to moneys received from sources applicable to such fee~~  
 2 ~~fund and for the remainder of such year the full 100% so received shall~~  
 3 ~~be credited to such fee fund, except as otherwise provided in subsection~~  
 4 ~~(d) and except that during the fiscal year ending June 30, 1993, with~~  
 5 ~~respect to the fire marshal fee fund, when the 20% credit to the state~~  
 6 ~~general fund prescribed by K.S.A. 31-133a, 31-134 and 75-1514 and~~  
 7 ~~amendments thereto, in the aggregate, is \$400,000, then in that fiscal year~~  
 8 ~~such 20% credit no longer shall apply to moneys received from sources~~  
 9 ~~applicable to the fire marshal fee fund and for the remainder of such~~  
 10 ~~fiscal year the full 100% so received shall be credited to the fire marshal~~  
 11 ~~fee fund. Any state agency, board or commission is hereby authorized to~~  
 12 ~~enter into contracts with the department of administration, another state~~  
 13 ~~agency or a private vendor for accounting, auditing, budgeting, legal,~~  
 14 ~~payroll, personnel and purchasing services, and any other services that~~  
 15 ~~are currently provided by other state agencies or on behalf of the state~~  
 16 ~~agency which receives appropriations from the state general fund to~~  
 17 ~~provide such services.~~

18 Sec. 2. K.S.A. 1-204 is hereby amended to read as follows: 1-204.  
 19 There is hereby created the board of accountancy fee fund. The board of  
 20 accountancy shall remit all moneys received by or for it from fees,  
 21 charges or penalties to the state treasurer in accordance with the  
 22 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
 23 each such remittance, the state treasurer shall deposit the entire amount in  
 24 the state treasury. ~~Twenty percent of each such deposit shall be credited to~~  
 25 ~~the state general fund and the balance~~ *The entire amount shall be credited*  
 26 *to the board of accountancy fee fund.* All expenditures from the board of  
 27 accountancy fee fund shall be made in accordance with appropriation acts  
 28 upon warrants of the director of accounts and reports issued pursuant to  
 29 vouchers approved by the chairperson of the board of accountancy or by  
 30 a person or persons designated by the chairperson.

31 Sec. 3. K.S.A. 2010 Supp. 9-1703 is hereby amended to read as  
 32 follows: 9-1703. (a) The expense of every regular examination, together  
 33 with the expense of administering the banking and savings and loan laws,  
 34 including salaries, travel expenses, supplies and equipment, shall be paid  
 35 by the banks and savings and loan associations of the state, and for this  
 36 purpose the bank commissioner shall, prior to the beginning of each fiscal  
 37 year, make an estimate of the expenses to be incurred by the department  
 38 during such fiscal year. From this total amount the commissioner shall  
 39 deduct the estimated amount of the anticipated annual income to the fund  
 40 from all sources other than bank and savings and loan association  
 41 assessments. The commissioner shall allocate and assess the remainder to  
 42 the banks and savings and loan associations in the state on the basis of  
 43 their total assets, as reflected in the last March 31 report called for by the

And by renumbering sections accordingly;

1 fund for accounting, auditing, budgeting, legal, payroll, personnel and  
 2 purchasing services and any other governmental services which are  
 3 performed on behalf of the state agency involved by other state agencies  
 4 which receive appropriations from the state general fund to provide such  
 5 services. ~~Such reimbursements are in addition to those authorized by~~  
 6 ~~K.S.A. 75-3170b, and amendments thereto.~~

7 (b) *Prohibited conduct.* (1) It is unlawful for the administrator or an  
 8 officer, employee, or designee of the administrator to use for personal  
 9 benefit or the benefit of others records or other information obtained by  
 10 or filed with the administrator that are not public under K.S.A. 17-  
 11 12a607(b), and amendments thereto. This act does not authorize the  
 12 administrator or an officer, employee, or designee of the administrator to  
 13 disclose the record or information, except in accordance with K.S.A. 17-  
 14 12a602, 17-12a607(c), or 17-12a608, and amendments thereto.

15 (2) Neither the administrator nor any employee of the administrator  
 16 shall be interested as an officer, director, or stockholder in securing any  
 17 authorization to sell securities under the provisions of this act.

18 (c) *No privilege or exemption created or diminished.* This act does  
 19 not create or diminish a privilege or exemption that exists at common  
 20 law, by statute or rule, or otherwise.

21 (d) *Investor education.* (1) The administrator may develop and  
 22 implement investor education initiatives to inform the public about  
 23 investing in securities, with particular emphasis on the prevention and  
 24 detection of securities fraud. In developing and implementing these  
 25 initiatives, the administrator may collaborate with public and nonprofit  
 26 organizations with an interest in investor education. The administrator  
 27 may accept a grant or donation from a person that is not affiliated with  
 28 the securities industry or from a nonprofit organization, regardless of  
 29 whether the organization is affiliated with the securities industry, to  
 30 develop and implement investor education initiatives. This subsection  
 31 does not authorize the administrator to require participation or monetary  
 32 contributions of a registrant in an investor education program.

33 (2) There is hereby established in the state treasury the investor  
 34 education fund. Such fund shall be administered by the administrator for  
 35 the purposes described in subsection (d)(1) and for the education of  
 36 registrants, including official hospitality. Moneys collected as civil  
 37 penalties under this act shall be credited to the investor education fund.  
 38 The administrator may also receive payments designated to be credited to  
 39 the investor education fund as a condition in settlements of cases arising  
 40 out of investigations or examinations. All expenditures from the investor  
 41 education fund shall be made in accordance with appropriation acts upon  
 42 warrants of the director of accounts and reports issued pursuant to  
 43 vouchers approved by the administrator or by a person or persons

1 designated by the administrator. Two years after the effective date of this  
 2 act, the administrator shall conduct a review and submit a report to the  
 3 governor and the legislature concerning the expenditures from the  
 4 investor education fund and the results achieved from the investor  
 5 education program.

6 Sec. 6. K.S.A. 17-2236 is hereby amended to read as follows: 17-  
 7 2236. (a) Before entering their respective duties, the administrator, each  
 8 credit union examiner, and any other employee within the credit union  
 9 department as determined in accordance with the provisions of K.S.A.  
 10 75-4104, and amendments thereto, shall give a bond set at a minimum of  
 11 \$25,000 per individual conditioned upon the faithful and impartial  
 12 discharge of their respective duties and the proper accounting for all  
 13 funds which may come into their hands. Such bonds shall be executed by  
 14 a surety company authorized to do business in this state. Such bonds shall  
 15 be approved by the committee on surety bonds and insurance and filed,  
 16 with the approval of such committee endorsed thereon together with the  
 17 oaths of office of such officers and employees, with the secretary of state.  
 18 Premium on such bonds shall be paid from the credit union fee fund.  
 19 Suits may be maintained on such bonds in the name of the state for the  
 20 use of the party or parties injured by a breach thereof.

21 (b) The administrator shall remit all moneys received by or for the  
 22 administrator from fees, charges or penalties to the state treasurer in  
 23 accordance with the provisions of K.S.A. 75-4215, and amendments  
 24 thereto. Upon receipt of each such remittance, the state treasurer shall  
 25 deposit the entire amount in the state treasury. ~~Twenty-percent of each~~  
 26 ~~such deposit~~ The entire amount shall be credited to the state general fund  
 27 ~~and the balance~~ shall be credited to the credit union fee fund. All  
 28 expenditures from such fund shall be made in accordance with  
 29 appropriation acts upon warrants of the director of accounts and reports  
 30 issued pursuant to vouchers approved by the administrator or by a person  
 31 or persons designated by the administrator. The compensation of  
 32 members and employees, office costs and other actual and necessary  
 33 expenses of the department and expenses incurred in the administration  
 34 and enforcement of this act shall be paid from the credit union fee fund.

35 Sec. 7. K.S.A. 17-5610 is hereby amended to read as follows: 17-  
 36 5610. Every association shall at least four times annually file in the office  
 37 of the commissioner a statement in such form as the commissioner  
 38 prescribes. Such report shall show in detail the resources and liabilities of  
 39 the association at the close of business upon the date determined by the  
 40 commissioner and shall be verified by the president, treasurer or secretary  
 41 and shall be filed with the commissioner within 30 days. An association  
 42 may comply with this section by filing with the commissioner a  
 43 completed thrift financial report within 30 days of the final day of a

1 secretary or by a person or persons designated by the secretary.

2 Sec. 15. K.S.A. 2010 Supp. 44-926 is hereby amended to read as  
3 follows: 44-926. (a) The owner or user of a boiler or pressure vessel  
4 required by this act to be inspected by the chief inspector or a deputy  
5 inspector shall pay directly to the chief inspector, upon completion of  
6 inspection, inspection fees fixed by the secretary in accordance with this  
7 subsection (a). The secretary shall fix annually, by rules and regulations, a  
8 schedule of fees for inspections of pressure vessels installed after January  
9 1, 1999, and boilers by state inspectors and may fix different fees for  
10 inspection of boilers and pressure vessels in the various categories. Such  
11 fees shall not exceed \$500 per day for each boiler or pressure vessel  
12 inspected.

13 (b) The owner or user of a boiler or pressure vessel for which an  
14 inspection certificate is to be issued pursuant to subsection (b) of K.S.A.  
15 44-924, and amendments thereto, shall pay directly to the chief inspector,  
16 before issuance of such certificate, a certificate fee fixed by the secretary  
17 by rules and regulations of not to exceed \$35.

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

31 Sec. 16. K.S.A. 2010 Supp. 47-820 is hereby amended to read as  
32 follows: 47-820. The board shall remit all moneys received by or for it  
33 from fees, charges or penalties to the state treasurer in accordance with  
34 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
35 of each such remittance, the state treasurer shall deposit the entire amount  
36 in the state treasury. ~~Twenty percent of each such deposit shall be~~  
37 ~~amount shall be credited to the state general fund and the balance shall be~~  
38 ~~credited to the veterinary examiners fee fund. Costs relating to~~  
39 ~~assessment and enforcement of civil fines shall be credited to the~~  
40 ~~veterinary examiners fee fund from all moneys received that are civil~~  
41 ~~finances and the balance shall be credited to the state general fund. All~~  
42 ~~expenditures from such fund shall be made in accordance with~~  
43 ~~appropriation acts upon warrants of the director of accounts and reports~~

1 by or for the director pursuant to K.S.A. 58-3066 through 58-3072, and  
 2 amendments thereto, to the state treasurer in accordance with the  
 3 provisions of K.S.A. 75-4215, and amendments thereto. Except as  
 4 provided by subsections (b) and (d) of K.S.A. 58-3066, and amendments  
 5 thereto, upon receipt of each such remittance, the state treasurer shall  
 6 deposit the entire amount in the state treasury to the credit of the real  
 7 estate recovery revolving fund.

8 (c) The director of the commission shall remit all moneys received  
 9 by or for the director pursuant to K.S.A. 58-3050, and amendments  
 10 thereto, to the state treasurer in accordance with the provisions of K.S.A.  
 11 75-4215, and amendments thereto. Upon receipt of each such remittance,  
 12 the state treasurer shall deposit the entire amount in the state treasury ~~for~~  
 13 ~~the credit of the state general fund~~

14 Sec. 25. K.S.A. 2010 Supp. 58-4107 is hereby amended to read as  
 15 follows: 58-4107. (a) The board shall adopt rules and regulations  
 16 prescribing the fees provided for by this act in amounts necessary to  
 17 administer and enforce this act, subject to the following:

18 (1) For application for certification or licensure, a fee not to exceed  
 19 \$50.

20 (2) For any examination required for certification or licensure, a fee  
 21 in an amount equal to the actual cost of the examination and  
 22 administration thereof.

23 (3) For original or renewal certification or licensure, a fee not to  
 24 exceed \$300.

25 (4) For late renewal of a certificate or license, a late fee not to  
 26 exceed \$50.

27 (5) For certification to another jurisdiction that an individual is  
 28 certified or licensed, an amount not exceeding \$25.

29 (6) For approval of a course of instruction approved pursuant to  
 30 K.S.A. 58-4105, and amendments thereto, an amount not to exceed \$100.

31 (7) For renewal of a course of instruction approved pursuant to  
 32 K.S.A. 58-4105, and amendments thereto, an amount not to exceed \$25.

33 (8) For reinstatement of active status of a certificate or license, a fee  
 34 not to exceed \$50.

35 If a certificate or license is issued or renewed for a period other than  
 36 one year, the fee shall be prorated to the nearest whole month.

37 (b) The board may prescribe a fee not to exceed \$50 for registration  
 38 of an appraiser pursuant to subsection (b) of K.S.A. 58-4103, and  
 39 amendments thereto.

40 (c) The board may establish different classes of courses of  
 41 instruction for the purpose of establishing fees pursuant to subsections (a)  
 42 (6) and (7) and may establish a different fee for each such class.

43 (d) In addition to the fees prescribed above, the board shall collect

and shall credit the portion of the fine amount collected that equals the  
 commission's actual costs related to the investigation and prosecution of  
 the case and attorney fees, as certified by the executive director of the  
 commission to the state treasurer, to the real estate commission fee fund  
 as provided by K.S.A. 58-3050, and amendments thereto. The balance  
 of the fine amount collected shall be credited to the state general fund

Appropriations Committee  
 Date March 8, 2011  
 Attachment 1-6

1 by a person or persons designated by the chairperson and secretary of  
2 commerce.

3 Sec. 51. K.S.A. 2010 Supp. 74-7009 is hereby amended to read as  
4 follows: 74-7009. (a) The following nonrefundable fees shall be collected  
5 by the board:

6 (1) For an original license, issued upon the basis of an examination  
7 given by the board, an application fee in the sum of not more than \$200  
8 plus an amount, to be determined by the board, equal to the cost of any  
9 examination required by the board in each branch of the technical  
10 professions;

11 (2) for a license by reciprocity under K.S.A. 74-7024, and  
12 amendments thereto, an application fee of not more than \$500;

13 (3) for a certificate of authorization for a business entity, the sum of  
14 not more than \$300;

15 (4) for the biennial renewal of a license, the sum of not more than  
16 \$200;

17 (5) for the biennial renewal of a certificate of authorization for a  
18 business entity, the sum of not more than \$300; and

19 (6) for the renewal of a certificate of authorization pursuant to  
20 subsection (e) of K.S.A. 74-7036, and amendments thereto, ~~one-half~~ 1/2 of  
21 the renewal fee required by paragraph (5) of this subsection.

22 (b) On or before November 15, each year, the board shall determine  
23 the amount necessary to administer the provisions of K.S.A. 74-7001 et  
24 seq., and amendments thereto, for the ensuing calendar year ~~(retaining the~~  
25 ~~amount to be credited to the state general fund)~~ and shall fix the fees for  
26 such year at the sum deemed necessary for such purposes.

27 (c) The board shall remit all moneys received by or for it from fees,  
28 charges or penalties to the state treasurer in accordance with the  
29 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
30 each such remittance, the state treasurer shall deposit the entire amount in  
31 the state treasury. ~~Twenty percent of each such deposit shall be credited to~~  
32 ~~the state general fund and the balance~~ *The entire amount* shall be credited  
33 to the technical professions fee fund, which fund is hereby created. All  
34 expenditures from such fund shall be made in accordance with  
35 appropriation acts upon warrants of the director of accounts and reports  
36 issued pursuant to vouchers approved by the chairperson of the board or  
37 by a person or persons designated by the chairperson.

38 Sec. 52. K.S.A. 74-7506 is hereby amended to read as follows: 74-  
39 7506. The behavioral sciences regulatory board shall remit all moneys  
40 received by or for it from fees, charges or penalties to the state treasurer  
41 in accordance with the provisions of K.S.A. 75-4215, and amendments  
42 thereto. Upon receipt of each such remittance, the state treasurer shall  
43 deposit the entire amount in the state treasury. ~~Twenty percent of each~~