

HOUSE BILL No. 2226

By Committee on Federal and State Affairs

2-11

1 AN ACT concerning consumer protection; relating to the scrap metal theft
2 reduction act; registration; penalties; amending K.S.A. 2018 Supp. 50-
3 6,109, 50-6,109e, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b, 50-6,112c
4 and 75-3036 and repealing the existing sections; also repealing K.S.A.
5 2018 Supp. 50-6,109a, 50-6,109b, 50-6,109c, 50-6,109d and 50-6,109f.

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

8 Section 1. K.S.A. 2018 Supp. 50-6,109 is hereby amended to read as
9 follows: 50-6,109. (a) K.S.A. 2018 Supp. 50-6,109 through 50-6,112c, and
10 amendments thereto, shall be known and may be cited as the scrap metal
11 theft reduction act.

12 (b) As used in the scrap metal theft reduction act:

13 (1) "Scrap metal dealer" means any individual, firm, company,
14 partnership, association or corporation that operates a business that is
15 engaged in the business of buying, trading or dealing in regulated scrap
16 metal for the purpose of sale for recycling.

17 (2) "Regulated scrap metal" means any item, in any form, for which
18 the purchase price described in K.S.A. 2018 Supp. 50-6,110 and 50-6,111,
19 and amendments thereto, was primarily based on the content of:

20 (A) Aluminum, except that aluminum shall not include food or
21 beverage containers;

22 (B) copper;

23 (C) brass;

24 (D) bronze;

25 (E) stainless steel;

26 (F) zinc;

27 (G) titanium;

28 (H) tungsten;

29 (I) nickel;

30 (J) platinum;

31 (K) palladium;

32 (L) rhodium;

33 (M) magnesium;

34 (N) lead;

35 (O) any other nonferrous metal; or

36 (P) any combination of nonferrous metals listed in subsections (b)(2)

1 (A) through (b)(2)(P).

2 (3) "Bales of regulated metal" means regulated scrap metal property
3 processed with professional recycling equipment by compression, shearing
4 or shredding, to a form in which it may be sold by a scrap metal dealer
5 consistent with industry standards.

6 (4) "Junk vehicle" means a vehicle as defined in K.S.A. 8-126, and
7 amendments thereto, not requiring a title as provided in chapter 8 of the
8 Kansas Statutes Annotated, and amendments thereto, an aircraft or a boat
9 which is being sold for scrap value.

10 (5) "Nonferrous metal" means a metal that does not contain iron or
11 steel.

12 (6) "Vehicle part" means the front clip consisting of the two front
13 fenders, hood, grill and front bumper of an automobile assembled as one
14 unit; or the rear clip consisting of those body parts behind the rear edge of
15 the back doors, including both rear quarter panels, the rear window, trunk
16 lid, trunk floor panel and rear bumper, assembled as one unit.

17 (7) "Person" means any individual, scrap metal dealer, manager or
18 employee, owner, operator, corporation, partnership or association.

19 ~~(8) "Attorney general" means the attorney general of the state of
20 Kansas or the attorney general's designee.~~

21 Sec. 2. K.S.A. 2018 Supp. 50-6,109e is hereby amended to read as
22 follows: 50-6,109e. ~~(a)~~ Any person, whether or not a resident or citizen of
23 this state, who in person or through an agent or an instrumentality, engages
24 in business as a scrap metal dealer as defined in the scrap metal theft
25 reduction act, thereby submits the person to the jurisdiction of the courts of
26 this state as to any cause of action arising from such business.

27 ~~(b) Every administrative or civil action pursuant to the scrap metal
28 theft reduction act shall be brought in the district court of Shawnee county
29 or in any other district where venue is otherwise authorized by law.~~

30 Sec. 3. K.S.A. 2018 Supp. 50-6,110 is hereby amended to read as
31 follows: 50-6,110. (a) It shall be unlawful for any person to sell any item
32 or items of regulated scrap metal to a scrap metal dealer, or employee or
33 agent of a dealer, in this state unless such person meets the requirements of
34 this subsection.

35 (1) Such person shall present to such scrap metal dealer, or employee
36 or agent of such dealer, at or before the time of sale, the following: The
37 seller's name, address, sex, date of birth and the seller's driver's license,
38 military identification card, passport or personal identification license. An
39 official governmental document for a country other than the United States
40 may be used to meet this requirement provided that a legible fingerprint is
41 also obtained from the seller.

42 (2) Such person shall complete and sign the statement provided for in
43 subsection (b)(~~10~~)(9).

1 (b) Every scrap metal dealer shall keep a register in which the dealer,
2 or employee or agent of the dealer, shall at the time of purchase or receipt
3 of any item for which such information is required to be presented, cross-
4 reference to previously received information, or accurately and legibly
5 record at the time of sale the following information:

6 (1) The time, date and place of transaction;

7 (2) the seller's name, address, sex, date of birth and the identifying
8 number from the seller's driver's license, military identification card,
9 passport or personal identification license; the identifying number from an
10 official governmental document for a country other than the United States
11 may be used to meet this requirement provided that a legible fingerprint is
12 also obtained from the seller;

13 ~~(3) a copy of the identification card or document containing such~~
14 ~~identifying number. Failure to comply with the provisions of this~~
15 ~~paragraph between June 1, 2017, and January 1, 2020, may result in an~~
16 ~~assessment of a civil penalty by the attorney general of not less than \$100~~
17 ~~nor more than \$5,000 for each violation;~~

18 ~~(4)~~(3) the license number, color and style or make of any motor
19 vehicle in which the junk vehicle or other regulated scrap metal property is
20 delivered in a purchase transaction;

21 ~~(5)~~(4) a general description, made in accordance with the custom of
22 the trade, of the predominant types of junk vehicle or other regulated scrap
23 metal property purchased in the transaction;

24 ~~(6)~~(5) the weight, quantity or volume, made in accordance with the
25 custom of the trade, of the regulated scrap metal property purchased;

26 ~~(7)~~(6) if a junk vehicle or vehicle part is being bought or sold, a
27 description of the junk vehicle or vehicle part, including the make, model,
28 color, vehicle identification number and serial number if applicable;

29 ~~(8)~~(7) the price paid for, traded for or dealt for in a transaction for the
30 junk vehicle or other regulated scrap metal property;

31 ~~(9)~~(8) the full name of the individual acting on behalf of the regulated
32 scrap metal dealer in making the purchase; and

33 ~~(10)~~(9) a signed statement from the seller indicating from where the
34 property was obtained and that: (A) Each item is the seller's own personal
35 property, is free of encumbrances and is not stolen; or (B) the seller is
36 acting for the owner and has permission to sell each item. If the seller is
37 not the owner, such statement shall include the name and address of the
38 owner of the property.

39 ~~(c) Every scrap metal dealer shall photograph the item or lot of items~~
40 ~~being sold at the time of purchase or receipt of any item for which such~~
41 ~~information is required to be presented. Such photographs shall be kept~~
42 ~~with the record of the transaction and the scrap metal dealer's register of~~
43 ~~information required by subsection (b). Failure to comply with the~~

1 ~~provisions of this subsection between June 1, 2017, and January 1, 2020,~~
 2 ~~may result in an assessment of a civil penalty by the attorney general of~~
 3 ~~not less than \$100 nor more than \$5,000 for each violation.~~

4 ~~(d) The scrap metal dealer's register of information required by~~
 5 ~~subsection (b), including copies of identification cards and signed~~
 6 ~~statements by sellers, and photographs required by subsection (c) may be~~
 7 ~~kept in electronic format.~~

8 ~~(e) Every scrap metal dealer shall forward the information required~~
 9 ~~by this section to the database described in K.S.A. 2018 Supp. 50-6,109a,~~
 10 ~~and amendments thereto.~~

11 ~~(f)(d)~~ Notwithstanding any other provision to the contrary, this
 12 section shall not apply to transactions in which the seller is a:

- 13 (1) Registered scrap metal dealer;
- 14 (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes
 15 Annotated, and amendments thereto; or
- 16 (3) scrap metal dealer or vehicle dealer registered or licensed in
 17 another state.

18 ~~(g)(e) (1) Except as provided in subsection (g)(2), This section shall~~
 19 ~~not apply to transactions in which the seller is known to the purchasing~~
 20 ~~scrap metal dealer to be a licensed business that operates out of a fixed~~
 21 ~~business location and that can reasonably be expected to generate~~
 22 ~~regulated scrap metal.~~

23 ~~(2) The attorney general may determine, by rules and regulations,~~
 24 ~~which of the requirements of this section shall apply to transactions~~
 25 ~~described in subsection (g)(1):~~

26 ~~(h) The amendments made to subsection (c) by section 13 of chapter~~
 27 ~~96 of the 2015 Session Laws of Kansas shall be unenforceable and shall~~
 28 ~~not apply from June 1, 2017, to January 1, 2020.~~

29 Sec. 4. K.S.A. 2018 Supp. 50-6,111 is hereby amended to read as
 30 follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer,
 31 or employee or agent of the dealer, to purchase any item or items of
 32 regulated scrap metal in a transaction for which K.S.A. 2018 Supp. 50-
 33 6,110, and amendments thereto, requires information to be presented by
 34 the seller, without demanding and receiving from the seller that
 35 information. Every scrap metal dealer shall file and maintain a record of
 36 information obtained in compliance with the requirements in K.S.A. 2018
 37 Supp. 50-6,110, and amendments thereto. All records kept in accordance
 38 with the provisions of the scrap metal theft reduction act shall be open at
 39 all times to law enforcement officers and shall be kept for two years. If the
 40 required information is maintained in electronic format, the scrap metal
 41 dealer shall provide a printout of the information to law enforcement
 42 officers upon request.

43 (b) It shall be unlawful for any scrap metal dealer, or employee or

1 agent of the dealer, to purchase any junk vehicle in a transaction for which
 2 K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires
 3 information to be presented by the seller, without:

4 (1) Inspecting the vehicle offered for sale and recording the vehicle
 5 identification number; and

6 (2) obtaining an appropriate bill of sale issued by a governmentally
 7 operated vehicle impound facility if the vehicle purchased has been
 8 impounded by such facility or agency.

9 (c) It shall be unlawful for any scrap metal dealer, or employee or
 10 agent of the dealer, to purchase or receive any regulated scrap metal from a
 11 minor unless such minor is accompanied by a parent or guardian or such
 12 minor is a licensed scrap metal dealer.

13 (d) It shall be unlawful for any scrap metal dealer, or employee or
 14 agent of the dealer, to purchase any of the following items without
 15 obtaining proof that the seller is an employee, agent or person who is
 16 authorized to sell the item on behalf of the governmental entity; utility
 17 provider; railroad; cemetery; civic organization; manufacturing, industrial
 18 or other commercial vendor that generates or sells such items in the
 19 regular course of business; or scrap metal dealer:

- 20 (1) Utility access cover;
- 21 (2) street light poles or fixtures;
- 22 (3) road or bridge guard rails;
- 23 (4) highway or street sign;
- 24 (5) water meter cover;
- 25 (6) traffic directional or traffic control signs;
- 26 (7) traffic light signals;
- 27 (8) any metal marked with any form of the name or initials of a
 28 governmental entity;
- 29 (9) property owned and marked by a telephone, cable, electric, water
 30 or other utility provider;
- 31 (10) property owned and marked by a railroad;
- 32 (11) funeral markers or vases;
- 33 (12) historical markers;
- 34 (13) bales of regulated metal;
- 35 (14) beer kegs;
- 36 (15) manhole covers;
- 37 (16) fire hydrants or fire hydrant caps;
- 38 (17) junk vehicles with missing or altered vehicle identification
 39 numbers;
- 40 (18) real estate signs;
- 41 (19) bleachers or risers, in whole or in part;
- 42 (20) twisted pair copper telecommunications wiring of 25 pair or
 43 greater existing in 19, 22, 24 or 26 gauge; and

1 (21) burnt wire.

2 (e) It shall be unlawful for any scrap metal dealer, or employee or
3 agent of the dealer, to sell, trade, melt or crush, or in any way dispose of,
4 alter or destroy any regulated scrap metal, junk vehicle or vehicle part
5 upon notice from any law enforcement agency, or any of their agents or
6 employees, that they have cause to believe an item has been stolen. A scrap
7 metal dealer shall hold any of the items that are designated by or on behalf
8 of the law enforcement agency for 30 days, exclusive of weekends and
9 holidays.

10 ~~(f) Failure to comply with the provisions of this section between June~~
11 ~~1, 2017, and January 1, 2020, may result in an assessment of a civil~~
12 ~~penalty by the attorney general of not less than \$100 nor more than \$5,000~~
13 ~~for each violation.~~

14 Sec. 5. K.S.A. 2018 Supp. 50-6,112a is hereby amended to read as
15 follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any
16 regulated scrap metal without having first registered each place of business
17 ~~with the attorney general~~ as herein provided. *If such scrap metal dealer's*
18 *place of business is located within the corporate city limits of a city, the*
19 *registration shall be made to the governing body of such city. In all other*
20 *cases, the registration shall be made to the board of county commissioners*
21 *in the county in which such place of business is to be located.*

22 ~~(b) The attorney general shall establish a system for the public to~~
23 ~~confirm scrap metal dealer registration certificates. Such system shall~~
24 ~~include a listing of valid registration certificates and such other~~
25 ~~information collected pursuant to the scrap metal theft reduction act, as the~~
26 ~~attorney general may determine is appropriate. Disclosure of any~~
27 ~~information through use of the system established by the attorney general~~
28 ~~shall not be deemed to be an endorsement of any scrap metal dealer or~~
29 ~~determination of any facts, qualifications, information or reputation of any~~
30 ~~scrap metal dealer by the attorney general, the state, or any of their~~
31 ~~respective agents, officers, employees or assigns~~ (1) *The board of county*
32 *commissioners shall provide the clerk of the township in which such place*
33 *of business is to be located with written notice of the filing of a*
34 *registration by a scrap metal dealer within 10 days after registration or*
35 *renewal is accepted.*

36 (2) *The governing body of the city or the board of county*
37 *commissioners in which such place of business is to be located, as the case*
38 *may be, shall provide the sheriff, chief of police or director of all law*
39 *enforcement agencies in the county written notice of the filing of a*
40 *registration by a scrap metal dealer within 10 days after registration or*
41 *renewal is accepted.*

42 (c) A registration for a scrap metal dealer shall be verified and upon a
43 form approved by the attorney general and contain:

1 (1) (A) The name and residence of the applicant, including all
2 previous names and aliases; or

3 (B) if the applicant is a: Corporation, the name and address of each
4 manager, officer or director thereof, and each stockholder owning in the
5 aggregate more than 25% of the stock of such corporation; or partnership
6 or limited liability company, the name and address of each partner or
7 member;

8 (2) the length of time that the applicant has resided within the state of
9 Kansas and a list of all residences outside the state of Kansas during the
10 previous 10 years;

11 (3) the particular place of business for which a registration is desired,
12 the name of the business, the address where the business is to be
13 conducted, the hours of operation and the days of the week during which
14 the applicant proposes to engage in business;

15 (4) the name of the owner of the premises upon which the place of
16 business is located; and

17 (5) the applicant shall disclose any prior convictions within 10 years
18 immediately preceding the date of making the registration for: A violation
19 of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to ~~their~~
20 *its* repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or ~~K.S.A. 2018~~
21 ~~Supp.~~ 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805,
22 prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments
23 thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal;
24 obstructing legal process or official duty, K.S.A. 21-3808, prior to its
25 repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal;
26 interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and
27 amendments thereto; interference with judicial process, K.S.A. 2018 Supp.
28 21-5905, and amendments thereto; or any crime involving dishonesty or
29 false statement or any substantially similar offense pursuant to the laws of
30 any city, state or of the United States.

31 (d) Each registration for a scrap metal dealer to purchase regulated
32 scrap metal shall be accompanied by a fee of not less than ~~\$500~~ \$100 nor
33 more than ~~\$1,500~~ \$400, as prescribed by the ~~attorney general~~ *board of*
34 *county commissioners or the governing body of the city, as the case may*
35 *be*, for each particular place of business for which a registration is desired.

36 (e) The ~~attorney general~~ *board of county commissioners or the*
37 *governing body of the city* shall accept a registration for a scrap metal
38 dealer as otherwise provided for herein, from any scrap metal dealer
39 qualified to file such registration, to purchase regulated scrap metals. Such
40 registration shall be issued for a period of ~~one year~~ *10 years*.

41 (f) If an original registration is accepted, the ~~attorney general~~ *board*
42 *of county commissioners or the governing body of the city* shall grant and
43 issue renewals thereof upon application of the registration holder, if the

1 registration holder is qualified to ~~receive the same~~ *file such renewal* and
2 the registration has not been revoked as provided by law. The renewal fee
3 shall be not *less than \$25 nor more than \$1,500, as prescribed by the*
4 ~~attorney general~~ *\$50, as prescribed by the board of county commissioners*
5 *or the governing body of a city for each particular place of business.*

6 (g) Any registration issued under the scrap metal theft reduction act
7 shall not be transferable.

8 (h) This section shall not apply to a business licensed under the
9 provisions of K.S.A. 8-2404, and amendments thereto, unless such
10 business buys or recycles regulated scrap metal that are not motor vehicle
11 components.

12 (i) ~~The amendments made to subsections (d) and (f) by section 15 of~~
13 ~~chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and~~
14 ~~shall not apply from June 1, 2017, to January 1, 2020~~ *Violation of*
15 *subsection (a) is a class A nonperson misdemeanor.*

16 Sec. 6. K.S.A. 2018 Supp. 50-6,112b is hereby amended to read as
17 follows: 50-6,112b. (a) After examining the information contained in a
18 filing for a scrap metal dealer registration and determining the registration
19 meets the statutory requirements for such registration, ~~the attorney general~~
20 *board of county commissioners or the governing body of the city* shall
21 accept such filing and the scrap metal dealer shall be deemed to be
22 properly registered.

23 (b) No scrap metal registration shall be accepted for:

24 (1) A person who is not a citizen or legal permanent resident of the
25 United States.

26 (2) A person who is under 18 years of age and whose parents or legal
27 guardians have been convicted of a felony or other crime which would
28 disqualify a person from registration under this section and such crime was
29 committed during the time that such parents or legal guardians held a
30 registration under the scrap metal theft reduction act.

31 (3) A person who, within 10 years immediately preceding the date of
32 filing, has pled guilty to, entered into a diversion agreement for, been
33 convicted of, released from incarceration for or released from probation or
34 parole for committing, attempting to commit, or conspiring to commit a
35 violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated,
36 prior to ~~their~~ *its* repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or
37 ~~K.S.A. 2018 Supp. 21-6412(a)(6)~~, and amendments thereto; perjury,
38 K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and
39 amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its
40 repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to
41 its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal;
42 interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and
43 amendments thereto; interference with judicial process, K.S.A. 2018 Supp.

1 21-5905, and amendments thereto; or any crime involving dishonesty or
2 false statement or any substantially similar offense pursuant to the laws of
3 any city, state or of the United States.

4 (4) A person who within the 10 years immediately preceding the date
5 of registration held a scrap metal dealer registration which was revoked, or
6 managed a facility for a scrap metal dealer whose registration was
7 revoked, or was an employee whose conduct led to or contributed to the
8 revocation of such registration.

9 (5) A person who makes a materially false statement on the
10 registration application or has made a materially false statement on a
11 registration or similar filing within the last 10 years.

12 (6) A partnership or limited liability company, unless all partners or
13 members of the partnership or limited liability company are otherwise
14 qualified to file a registration.

15 (7) A corporation, if any manager, officer or director thereof, or any
16 stockholder owning in the aggregate more than 25% of the stock of such
17 corporation, would be ineligible to receive a license hereunder for any
18 reason.

19 (8) A person whose place of business is conducted by a manager or
20 agent unless the manager or agent possesses all of the qualifications for
21 registration.

22 (9) A person whose spouse has been convicted of a felony or other
23 crime which would disqualify a person from registration under this section
24 and such crime was committed during the time that the spouse held a
25 registration under the scrap metal theft reduction act.

26 ~~(10) A person who does not own the premises upon which the place~~
27 ~~of business is located for which a license is sought, unless the person has a~~
28 ~~written lease for at least $\frac{3}{4}$ of the period for which the license is to be~~
29 ~~issued.~~

30 ~~(e) Any person filing a scrap metal dealer registration may be subject~~
31 ~~to a criminal history records check and may be given a written notice that~~
32 ~~a criminal history records check is required. The attorney general may~~
33 ~~require such applicant to be fingerprinted and submit to a state and~~
34 ~~national criminal history record check. If required, such fingerprints shall~~
35 ~~be used to identify the applicant and to determine whether the applicant~~
36 ~~has a record of criminal history in this state or another jurisdiction. The~~
37 ~~attorney general shall submit any fingerprints provided to the Kansas~~
38 ~~bureau of investigation and the federal bureau of investigation for a state~~
39 ~~and national criminal history record check. Local and state law~~
40 ~~enforcement officers and agencies shall assist the attorney general in the~~
41 ~~taking and processing of fingerprints of applicants. The attorney general~~
42 ~~may use the information obtained from fingerprinting and the criminal~~
43 ~~history for purposes of verifying the identification of the applicant and in~~

1 the official determination of whether the scrap metal dealer registration
2 shall be accepted. If the criminal history record information is used to
3 disqualify an applicant, the applicant shall be informed in writing of that
4 decision.

5 ~~(d) The amendments made to subsections (b)(10) and (c) by section~~
6 ~~16 of chapter 96 of the 2015 Session Laws of Kansas shall be~~
7 ~~unenforceable and shall not apply from June 1, 2017, to January 1, 2020.~~

8 Sec. 7. K.S.A. 2018 Supp. 50-6,112c is hereby amended to read as
9 follows: 50-6,112c. (a) ~~The attorney general~~ *board of county*
10 *commissioners or the governing body of the city that issued the*
11 *registration*, upon five days notice to the persons holding ~~a~~ *the* registration,
12 may suspend the scrap metal dealer's registration for up to 30 days for any
13 one of the following reasons:

14 (1) The registrant has been found to have violated any of the
15 provisions of the scrap metal theft reduction act, or any similar ordinance,
16 resolution or rules or regulations;

17 (2) the employment or continuation in employment of a person if the
18 registered scrap metal dealer knows such person has, within the 24 months
19 prior to the notice of suspension or revocation action, been found to have
20 violated any of the provisions of the scrap metal theft reduction act, or the
21 laws of another state comparable to such provisions, or any city or county
22 ordinance or resolution, or regulation controlling scrap metal sale or
23 purchase in Kansas or any other state; or

24 (3) permitting any criminal activity under the Kansas criminal code,
25 or similar ordinance, resolution or rules or regulations made by the board
26 or city, as the case may be, in or upon the registrant's place of business.

27 (b) ~~The attorney general~~ *board of county commissioners or the*
28 *governing body of the city* may revoke the registration of a scrap metal
29 dealer who has had its registration suspended three or more times within a
30 24-month period.

31 (c) ~~The attorney general~~ *board of county commissioners or the*
32 *governing body of the city*, upon five days' notice to the person holding the
33 registration, shall revoke or suspend the *scrap metal dealer's* registration
34 for any one of the following reasons:

35 (1) The registrant has fraudulently registered by knowingly giving
36 materially false information on the registration form;

37 (2) the registrant has become ineligible to obtain a registration under
38 the scrap metal theft reduction act;

39 (3) the nonpayment of any registration fees after receiving written
40 notice that such registration fees are more than 30 days past due; or

41 (4) the nonpayment of any civil penalty after receiving written notice
42 that such penalty is more than 30 days past due.

43 (d) Any action brought under this section shall be brought

1 individually against a single registrant's place of business and not against
2 any other place of business registered by the same individual, company or
3 business entity.

4 (e) Any person aggrieved by the decision of the ~~attorney general to~~
5 ~~suspend or revoke a registration under this section may appeal such~~
6 ~~decision in accordance with rules and regulations promulgated by the~~
7 ~~attorney general to implement the scrap metal theft reduction act~~ *board of*
8 *county commissioners or the governing body of the city, within 20 days*
9 *after the order of the board or governing body denying, revoking or*
10 *suspending any registration, may appeal to the district court, and the*
11 *district court shall proceed to hear such appeal as though the court had*
12 *original jurisdiction of the matter. Upon request by the registrant, the*
13 *district court may enjoin the revocation or suspension of a registration*
14 *until final disposition of any action brought under this section.*

15 Sec. 8. K.S.A. 2018 Supp. 75-3036 is hereby amended to read as
16 follows: 75-3036. (a) The state general fund is exclusively defined as the
17 fund into which shall be placed all public moneys and revenue coming into
18 the state treasury not specifically authorized by the constitution or by
19 statute to be placed in a separate fund, and not given or paid over to the
20 state treasurer in trust for a particular purpose, which unallocated public
21 moneys and revenue shall constitute the general fund of the state. Moneys
22 received or to be used under constitutional or statutory provisions or under
23 the terms of a gift or payment for a particular and specific purpose are to
24 be kept as separate funds and shall not be placed in the general fund or
25 ever become a part of it.

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

1 amendments thereto, of the state fire marshal; food service inspection
2 reimbursement fund, K.S.A. 36-512, and amendments thereto, of the
3 Kansas department of agriculture; wage claims assignment fee fund,
4 K.S.A. 44-324, and amendments thereto, and workmen's compensation fee
5 fund, K.S.A. 74-715, and amendments thereto, of the department of labor;
6 veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of
7 the state board of veterinary examiners; mined-land reclamation fund,
8 K.S.A. 49-420, and amendments thereto, of the department of health and
9 environment; conservation fee fund and well plugging assurance fund,
10 K.S.A. 55-155, 55-176, 55-609, 55-711 and 55-901, and amendments
11 thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155, and
12 amendments thereto, and public service regulation fund, K.S.A. 66-1503,
13 and amendments thereto, of the state corporation commission; land survey
14 fee fund, K.S.A. 58-2011, and amendments thereto, of the state historical
15 society; real estate recovery revolving fund, K.S.A. 58-3074, and
16 amendments thereto, of the Kansas real estate commission; appraiser fee
17 fund, K.S.A. 58-4107, and amendments thereto, and appraisal
18 management companies fee fund of the real estate appraisal board;
19 amygdalin (laetrile) enforcement fee fund, K.S.A. 65-6b10, and
20 amendments thereto; mortuary arts fee fund, K.S.A. 65-1718, and
21 amendments thereto, of the state board of mortuary arts; board of
22 barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the
23 Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-
24 2704, and amendments thereto, of the Kansas state board of cosmetology;
25 healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-
26 5513, 65-6910, 65-7210 and 65-7309, and amendments thereto, and
27 medical records maintenance trust fund, of the state board of healing arts;
28 other state fees fund, K.S.A. 65-4024b, and amendments thereto, of the
29 Kansas department for aging and disability services; board of nursing fee
30 fund, K.S.A. 74-1108, and amendments thereto, of the board of nursing;
31 dental board fee fund, K.S.A. 74-1405, and amendments thereto, and
32 special litigation reserve fund, of the Kansas dental board; optometry fee
33 fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation
34 fund, of the board of examiners in optometry; state board of pharmacy fee
35 fund, K.S.A. 74-1609, and amendments thereto, and state board of
36 pharmacy litigation fund, of the state board of pharmacy; abstracters' fee
37 fund, K.S.A. 74-3903, and amendments thereto, of the abstracters' board of
38 examiners; athletic fee fund, K.S.A. 74-50,188, and amendments thereto,
39 of the department of commerce; hearing instrument board fee fund, K.S.A.
40 74-5805, and amendments thereto, and hearing instrument litigation fund
41 of the Kansas board of examiners in fitting and dispensing of hearing
42 instruments; commission on disability concerns fee fund, K.S.A. 74-6708,
43 and amendments thereto, of the governor's department; technical

1 professions fee fund, K.S.A. 74-7009, and amendments thereto, and
2 special litigation reserve fund of the state board of technical professions;
3 behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and
4 amendments thereto, of the behavioral sciences regulatory board;
5 governmental ethics commission fee fund, K.S.A. 25-4119e, and
6 amendments thereto, of the governmental ethics commission; emergency
7 medical services board operating fund, K.S.A. 75-1514, and amendments
8 thereto, of the emergency medical services board; fire service training
9 program fund, K.S.A. 75-1514, and amendments thereto, of the university
10 of Kansas; uniform commercial code fee fund, K.S.A. 2018 Supp. 75-448,
11 and amendments thereto, of the secretary of state; prairie spirit rails-to-
12 trails fee fund of the Kansas department of wildlife, parks and tourism;
13 water marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the
14 Kansas water office; insurance department service regulation fund, K.S.A.
15 40-112, and amendments thereto, of the insurance department; state fair
16 special cash fund, K.S.A. 2-220, and amendments thereto, of the state fair
17 board; ~~scrap metal theft reduction fee fund, K.S.A. 2018 Supp. 50-6,109a,~~
18 ~~and amendments thereto;~~ and any other fund in which fees are deposited
19 for licensing, regulating or certifying a person, profession, commodity or
20 product.

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

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

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

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

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

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

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

16 Sec. 9. K.S.A. 2018 Supp. 50-6,109, 50-6,109a, 50-6,109b, 50-
17 6,109c, 50-6,109d, 50-6,109e, 50-6,109f, 50-6,110, 50-6,111, 50-6,112a,
18 50-6,112b, 50-6,112c and 75-3036 are hereby repealed.

19 Sec. 10. This act shall take effect and be in force from and after its
20 publication in the statute book.