

**SENATE BILL No. 30**

By Committee on Insurance

1-14

1 AN ACT concerning the Kansas uniform securities act; relating to victims  
2 of securities violations; powers of the administrator; administrative  
3 proceedings; criminal penalties; establishing the securities act victim  
4 restitution program; securities act victim restitution fund; amending  
5 K.S.A. 75-3036 and 77-547 and K.S.A. 2020 Supp. 17-12a508, 17-  
6 12a601 and 17-12a609 and repealing the existing sections.  
7

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

9 Section 1. K.S.A. 2020 Supp. 17-12a508 is hereby amended to read  
10 as follows: 17-12a508. (a) *Criminal penalties.* (1) Except as provided in  
11 subsections (a)(2) through (a)(4), a conviction for an intentional violation  
12 of the Kansas uniform securities act, or a rule adopted or order issued  
13 under this act, except K.S.A. 17-12a504, and amendments thereto, or the  
14 notice filing requirements of K.S.A. 17-12a302 or 17-12a405, and  
15 amendments thereto, is a severity level 7, nonperson felony. An individual  
16 convicted of violating a rule or order under this act may be fined, but may  
17 not be imprisoned, if the individual did not have knowledge of the rule or  
18 order.

19 (2) A conviction for an intentional violation of K.S.A. 17-12a501 or  
20 17-12a502, and amendments thereto, if the violation resulted in a loss of  
21 an amount of:

- 22 (A) \$1,000,000 or more is a severity level 2, nonperson felony;  
23 (B) at least \$250,000 but less than \$1,000,000 is a severity level 3,  
24 nonperson felony;  
25 (C) at least \$100,000 but less than \$250,000 is a severity level 4,  
26 nonperson felony;  
27 (D) at least \$25,000 but less than \$100,000 is a severity level 5,  
28 nonperson felony; or  
29 (E) less than \$25,000 is a severity level 6, nonperson felony.

30 (3) A conviction for an intentional violation of K.S.A. 17-12a301, 17-  
31 12a401(a), 17-12a402(a), 17-12a403(a) or 17-12a404(a), and amendments  
32 thereto, is:

- 33 (A) A severity level 5, nonperson felony if the violation resulted in a  
34 loss of \$100,000 or more;  
35 (B) a severity level 6, nonperson felony if the violation resulted in a  
36 loss of at least \$25,000 but less than \$100,000; or

1 (C) a severity level 7, nonperson felony if the violation resulted in a  
2 loss of less than \$25,000.

3 (4) A conviction for an intentional violation of:

4 (A) K.S.A. 17-12a404(e) or 17-12a505, and amendments thereto, or  
5 an order to cease and desist issued by the administrator pursuant to K.S.A.  
6 17-12a412(c) or 17-12a604(a), and amendments thereto, is a severity level  
7 5, nonperson felony.

8 (B) K.S.A. 17-12a401(c), 17-12a403(c) or 17-12a506, and  
9 amendments thereto, is a severity level 6, nonperson felony.

10 (C) K.S.A. 17-12a402(d) or 17-12a403(d), and amendments thereto,  
11 is a severity level 7, nonperson felony.

12 (5) Any violation of K.S.A. 17-12a301, 17-12a401(a), 17-12a402(a),  
13 17-12a403(a), 17-12a404(a), 17-12a501 or 17-12a502, and amendments  
14 thereto, resulting in a loss of \$25,000 or more shall be presumed  
15 imprisonment.

16 (6) A conviction for an intentional violation of the Kansas uniform  
17 securities act, K.S.A. 17-12a101 et seq., and amendments thereto,  
18 committed against an elder person, as defined in K.S.A. 50-676, and  
19 amendments thereto, shall be ranked on the nondrug scale at one severity  
20 level above the appropriate level for the underlying or completed crime, if  
21 the trier of fact finds that the victim was an elder person at the time of the  
22 crime. It shall not be a defense under this paragraph that the defendant did  
23 not know the age of the victim or reasonably believed that the victim was  
24 not an elder person.

25 (7) When amounts are obtained in violation of this act under one  
26 scheme or continuing course of business, whether from the same or several  
27 sources, the conduct may be considered as one continuing offense, and the  
28 amounts aggregated in determining the grade of the offense.

29 (b) *Statute of limitations.* (1) Except as provided by K.S.A. 2020  
30 Supp. 21-5107(e), and amendments thereto, no prosecution for any crime  
31 under this act may be commenced more than 10 years after the alleged  
32 violation ~~if the victim is the Kansas public employees retirement system~~  
33 ~~and no prosecution for any other crime under this act may be commenced~~  
34 ~~more than five years after the alleged violation.~~

35 (2) If a crime under this act is a continuing offense, the statute of  
36 limitations does not begin to run until the last act in the scheme or course  
37 of business is completed. Nothing in this subsection shall prevent the  
38 exclusion of a time period pursuant to K.S.A. 2020 Supp. 21-5107(e), and  
39 amendments thereto.

40 (3) A prosecution is commenced when a complaint or information is  
41 filed, or an indictment returned, and a warrant thereon is delivered to the  
42 sheriff or other officer for execution, except that no prosecution shall be  
43 deemed to have been commenced if the warrant so issued is not executed

1 without unreasonable delay.

2 (c) *Criminal reference.* The administrator shall prepare and refer such  
3 evidence as may be available concerning criminal violations of this act or  
4 of any rules and regulations or order hereunder to the attorney general, or  
5 in consultation with the attorney general to the proper county or district  
6 attorney, who may, in such prosecutor's discretion, with or without such a  
7 reference, institute the appropriate criminal proceedings under the laws of  
8 this state. The administrator may pay extradition and witness expenses and  
9 other costs associated with the case. The administrator and persons  
10 employed by the administrator shall assist in the prosecution of criminal  
11 cases as requested by the attorney general or county or district attorney.

12 (d) *No limitation on other criminal enforcement.* This act does not  
13 limit the power of this state to punish a person for conduct that constitutes  
14 a crime under other laws of this state.

15 Sec. 2. K.S.A. 77-547 is hereby amended to read as follows: 77-547.  
16 For purposes of administrative proceedings of the insurance department,  
17 *including the office of the securities commissioner of the state of Kansas,*  
18 *under the Kansas administrative procedure act, and the Kansas uniform*  
19 *securities act:*

20 (a) *"Administrator" means the securities commissioner of Kansas or*  
21 *the assistant commissioner of insurance when assigned to perform the*  
22 *hearing duties of the securities commissioner of Kansas; and*

23 (b) *"agency head" means the commissioner of insurance or the*  
24 *assistant commissioner of insurance, when acting on behalf of the*  
25 *commissioner.*

26 Sec. 3. K.S.A. 2020 Supp. 17-12a601 is hereby amended to read as  
27 follows: 17-12a601. (a) *Administration.* (1) This act shall be administered  
28 by the securities commissioner of Kansas.

29 (2) All fees herein provided for shall be collected by the  
30 administrator. All salaries and expenses necessarily incurred in the  
31 administration of this act shall be paid from the securities act fee fund.

32 (3) The administrator shall remit all moneys received from all fees,  
33 charges, deposits or penalties which have been collected under this act or  
34 other laws of this state regulating the issuance, sale or disposal of  
35 securities or regulating dealers in this state to the state treasurer at least  
36 monthly. Upon receipt of any such remittance, the state treasurer shall  
37 deposit the entire amount thereof in the state treasury. In accordance with  
38 K.S.A. 75-3170a, and amendments thereto, 10% of each such deposit shall  
39 be credited to the state general fund and, except as provided in subsection  
40 (d), the balance shall be credited to the securities act fee fund.

41 (4) *Except as provided in subsection (e),* on the last day of each fiscal  
42 year, the director of accounts and reports shall transfer from the securities  
43 act fee fund to the state general fund any remaining unencumbered amount

1 in the securities act fee fund exceeding \$50,000 so that the beginning  
2 unencumbered balance in the securities act fee fund on the first day of  
3 each fiscal year is \$50,000. All expenditures from the securities act fee  
4 fund shall be made in accordance with appropriation acts upon warrants of  
5 the director of accounts and reports issued pursuant to vouchers approved  
6 by the administrator or by a person or persons designated by the  
7 administrator.

8 (5) All amounts transferred from the securities act fee fund to the  
9 state general fund under paragraph (4) are to reimburse the state general  
10 fund for accounting, auditing, budgeting, legal, payroll, personnel and  
11 purchasing services and any other governmental services ~~which~~ *that* are  
12 performed on behalf of the state agency involved by other state agencies  
13 ~~which~~ *that* receive appropriations from the state general fund to provide  
14 such services.

15 (b) *Prohibited conduct.* (1) It is unlawful for the administrator or an  
16 officer, employee, or designee of the administrator to use for personal  
17 benefit or the benefit of others records or other information obtained by or  
18 filed with the administrator that are not public under K.S.A. 17-12a607(b),  
19 and amendments thereto. This act does not authorize the administrator or  
20 an officer, employee, or designee of the administrator to disclose the  
21 record or information, except in accordance with K.S.A. 17-12a602, 17-  
22 12a607(c); or 17-12a608, and amendments thereto.

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

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

29 (d) *Investor education and protection.* (1) The administrator may  
30 develop and implement investor education and protection initiatives to  
31 inform the public about investing in securities and protect the public from  
32 violations of the Kansas uniform securities act, K.S.A. 17-12a101 et seq.,  
33 and amendments thereto. Such initiatives shall have a particular emphasis  
34 on the prevention, detection, enforcement and prosecution of securities  
35 fraud. In developing and implementing these initiatives, the administrator  
36 may collaborate with public and nonprofit organizations with an interest in  
37 investor education or protection. The administrator may accept a grant or  
38 donation from a person that is not affiliated with the securities industry or  
39 from a nonprofit organization, regardless of whether the organization is  
40 affiliated with the securities industry, to develop and implement investor  
41 education and protection initiatives. This subsection does not authorize the  
42 administrator to require participation or monetary contributions of a  
43 registrant in an investor education program.

1 (2) There is hereby established in the state treasury the investor  
2 education and protection fund. Such fund shall be administered by the  
3 administrator for the purposes described in ~~subsection (d)~~ paragraph (1)  
4 and for the education of registrants, including official hospitality. Moneys  
5 collected as civil penalties under this act shall be credited to the investor  
6 education and protection fund. The administrator may also receive  
7 payments designated to be credited to the investor education and  
8 protection fund as a condition in settlements of cases arising out of  
9 investigations or examinations. All expenditures from the investor  
10 education and protection fund shall be made in accordance with  
11 appropriation acts upon warrants of the director of accounts and reports  
12 issued pursuant to vouchers approved by the administrator ~~or by a person~~  
13 ~~or persons designated by the administrator~~ *the administrator's designee.*  
14 *The administrator shall remit all moneys received under this paragraph to*  
15 *the state treasurer in accordance with the provisions of K.S.A. 75-4215,*  
16 *and amendments thereto. Upon receipt of each such remittance, the state*  
17 *treasurer shall deposit the entire amount in the state treasury to the credit*  
18 *of the investor education and protection fund.*

19 (e) (1) *The administrator may develop and implement a securities act*  
20 *victims restitution program to provide restitution assistance to victims of*  
21 *securities violations who were awarded restitution as the result of a legal*  
22 *or administrative action for violations of this act but who have no*  
23 *reasonable likelihood of receiving the full amount of awarded restitution.*

24 (2) *There is hereby established in the state treasury the securities act*  
25 *victim restitution fund to be administered by the administrator. All*  
26 *expenditures of moneys from the securities act victim restitution fund shall*  
27 *be used to provide restitution assistance to victims of securities violations*  
28 *who were awarded restitution as the result of a legal or administrative*  
29 *action for violations of this act but who have no reasonable likelihood of*  
30 *receiving the full amount of awarded restitution. All such expenditures*  
31 *shall be made in accordance with appropriation acts upon warrants of the*  
32 *director of accounts and reports issued pursuant to vouchers approved by*  
33 *the administrator or by the administrator's designee. The administrator*  
34 *may accept all gifts, grants, donations and bequests to the fund. The*  
35 *administrator shall remit all moneys received under this paragraph to the*  
36 *state treasurer in accordance with the provisions of K.S.A. 75-4215, and*  
37 *amendments thereto. Upon receipt of each such remittance, the state*  
38 *treasurer shall deposit the entire amount in the state treasury to the credit*  
39 *of the securities act victim restitution fund.*

40 (3) *For purposes of administering the securities act victims*  
41 *restitution program:*

42 (A) *"Claimant" means a person who files an application for*  
43 *restitution assistance from the securities act victim restitution fund on*

1 *behalf of a victim, including the person awarded restitution in a final*  
2 *order for a violation of this act, the executor of such person and the heirs*  
3 *and assigns of such person. The claimant and the victim may be, but need*  
4 *not be, the same person.*

5 (B) *"Final order" means an order issued by the administrator or an*  
6 *order issued in a legal action brought by the administrator or the attorney*  
7 *general pursuant to this act that is not subject to further judicial review or*  
8 *appeal.*

9 (C) *"Fund" means the securities act victim restitution fund created by*  
10 *this subsection.*

11 (D) *"Restitution assistance" means payment from the fund to an*  
12 *eligible claimant.*

13 (E) *"Securities violation" means a violation of this act, or rules and*  
14 *regulations adopted or an order issued under this act.*

15 (F) *"Victim" means a person who was awarded restitution in a final*  
16 *order.*

17 (G) *"Vulnerable person" means a person who met the definition of*  
18 *elder person or dependent adult as defined in K.S.A. 2020 Supp. 21-5417,*  
19 *and amendments thereto, at the time of the securities violation that*  
20 *resulted in an award of restitution in a final order.*

21 (4) *Only natural persons who were **legal** residents of the state of*  
22 *Kansas at the time of the securities violation that resulted in an award of*  
23 *restitution in a final order are eligible to receive restitution assistance*  
24 *from the fund. The administrator shall not pay such restitution assistance*  
25 *from the fund:*

26 (A) *To more than one claimant per victim;*

27 (B) *unless the person ordered to pay restitution has not paid the full*  
28 *amount of restitution owed to the victim before the application for*  
29 *restitution assistance from the fund is due;*

30 (C) *on behalf of a person who is not a victim;*

31 (D) *to or on behalf of a person who sustained monetary injury as a*  
32 *result of committing, attempting to commit, participating in or assisting in*  
33 *the securities violation that resulted in the restitution award for which a*  
34 *claimant seeks restitution assistance from the fund; or*

35 (E) *if there was no award of restitution in the final order.*

36 (5) *A claimant's application for restitution assistance from the fund*  
37 *shall be received by the administrator no later than two years after the*  
38 *date upon which the order that awarded restitution meets the definition of*  
39 *a final order.*

40 (6) *The administrator may grant, in whole or in part, and in the*  
41 *administrator's sole discretion, a claimant's application and award*  
42 *payment of restitution assistance from the fund, if:*

43 (A) *A claimant demonstrates eligibility for restitution assistance from*

1 *the fund;*

2 *(B) the administrator receives a timely application for such*  
3 *assistance; and*

4 *(C) the administrator concludes that there is no reasonable likelihood*  
5 *that the claimant will receive the full amount of restitution awarded by the*  
6 *final order.*

7 *(7) Restitution assistance may be awarded as follows:*

8 *(A) Except as otherwise provided in subparagraph (B), the maximum*  
9 *restitution assistance award per victim from the fund shall be the lesser of*  
10 *\$25,000 or 25% of the amount of restitution awarded in the final order,*  
11 *excluding any interest awarded, that remains unpaid at the time the*  
12 *administrator awards restitution assistance under this subsection; and*

13 *(B) if the victim is a vulnerable person, the maximum restitution*  
14 *assistance award per victim from the fund shall be the lesser of \$50,000 or*  
15 *50% of the amount of restitution awarded in the final order; excluding any*  
16 *interest awarded, that remains unpaid at the time the administrator*  
17 *awards restitution assistance under this subsection.*

18 *(8) On July 1, 2021, or as soon as moneys become available, the*  
19 *director of accounts and reports shall transfer \$250,000 from the*  
20 *securities act fee fund to the securities act victim restitution fund.*  
21 *Beginning with the fiscal year ending June 30, 2023, and in each fiscal*  
22 *year thereafter, in the administrator's discretion, the administrator may*  
23 *increase the balance in the securities act victim restitution fund by*  
24 *transferring amounts from the investor education and protection fund,*  
25 *however the remaining balance in the investor education and protection*  
26 *fund after any such transfer shall be at least \$50,000.*

27 *(9) The administrator may establish procedures for the application*  
28 *and determination of restitution assistance awards from the fund by rules*  
29 *and regulations adopted or an order issued under this act.*

30 ~~*(10) Determinations made by the administrator with respect to the*~~  
31 ~~*fund and applications for restitution assistance are subject to the sole*~~  
32 ~~*discretion of the administrator and shall not be subject to judicial review*~~  
33 ~~*in accordance with the provisions of the Kansas judicial review act*~~

34 ***(A) Any natural person adversely affected by any order or decision***  
35 ***of the administrator under this act may, within 15 days of service of the***  
36 ***order or decision, make a written request for a hearing. Hearings under***  
37 ***this section shall be conducted in accordance with the provisions of the***  
38 ***Kansas administrative procedure act.***

39 ***(B) Any natural person adversely affected by any final action of the***  
40 ***administrator pursuant to this act may obtain a review of the action in***  
41 ***accordance with the Kansas judicial review act.***

42 Sec. 4. K.S.A. 2020 Supp. 17-12a609 is hereby amended to read as  
43 follows: 17-12a609. A final order issued by the administrator under this act

1 is subject to judicial review in accordance with the provisions of the  
2 Kansas judicial review act, *except as provided in K.S.A. 17-12a601(e), and*  
3 *amendments thereto.*

4 Sec. 5. K.S.A. 75-3036 is hereby amended to read as follows: 75-  
5 3036. (a) The state general fund is exclusively defined as the fund into  
6 which shall be placed all public moneys and revenue coming into the state  
7 treasury not specifically authorized by the constitution or by statute to be  
8 placed in a separate fund, and not given or paid over to the state treasurer  
9 in trust for a particular purpose, which unallocated public moneys and  
10 revenue shall constitute the general fund of the state. Moneys received or  
11 to be used under constitutional or statutory provisions or under the terms  
12 of a gift or payment for a particular and specific purpose are to be kept as  
13 separate funds and shall not be placed in the general fund or ever become a  
14 part of it.

15 (b) The following funds shall be used for the purposes set forth in the  
16 statutes concerning such funds and for no other governmental purposes. It  
17 is the intent of the legislature that the following funds and the moneys  
18 deposited in such funds shall remain intact and inviolate for the purposes  
19 set forth in the statutes concerning such funds: Board of accountancy fee  
20 fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special  
21 litigation reserve fund of the board of accountancy; bank commissioner fee  
22 fund, K.S.A. 9-1703, 16a-2-302 and 75-1308, and amendments thereto,  
23 bank investigation fund, K.S.A. 9-1111b, and amendments thereto,  
24 consumer education settlement fund and litigation expense fund of the  
25 state bank commissioner; securities act fee fund ~~and~~, investor education  
26 and protection fund *and securities act victim restitution fund*, K.S.A. 17-  
27 12a601, and amendments thereto, of the office of the securities  
28 commissioner of Kansas; credit union fee fund, K.S.A. 17-2236, and  
29 amendments thereto, of the state department of credit unions; court  
30 reporters fee fund, K.S.A. 20-1a02, and amendments thereto, and bar  
31 admission fee fund, K.S.A. 20-1a03, and amendments thereto, of the  
32 judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and  
33 amendments thereto, and boiler inspection fee fund, K.S.A. 44-926, and  
34 amendments thereto, of the state fire marshal; food service inspection  
35 reimbursement fund, K.S.A. 36-512, and amendments thereto, of the  
36 Kansas department of agriculture; wage claims assignment fee fund,  
37 K.S.A. 44-324, and amendments thereto, and workmen's compensation fee  
38 fund, K.S.A. 74-715, and amendments thereto, of the department of labor;  
39 veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of  
40 the state board of veterinary examiners; mined-land reclamation fund,  
41 K.S.A. 49-420, and amendments thereto, of the department of health and  
42 environment; conservation fee fund and well plugging assurance fund,  
43 K.S.A. 55-155, 55-176, 55-609, 55-711 and 55-901, and amendments

1 thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155, and  
2 amendments thereto, and public service regulation fund, K.S.A. 66-1503,  
3 and amendments thereto, of the state corporation commission; land survey  
4 fee fund, K.S.A. 58-2011, and amendments thereto, of the state historical  
5 society; real estate recovery revolving fund, K.S.A. 58-3074, and  
6 amendments thereto, of the Kansas real estate commission; appraiser fee  
7 fund, K.S.A. 58-4107, and amendments thereto, and appraisal  
8 management companies fee fund of the real estate appraisal board;  
9 amygdalin (laetrite) enforcement fee fund, K.S.A. 65-6b10, and  
10 amendments thereto; mortuary arts fee fund, K.S.A. 65-1718, and  
11 amendments thereto, of the state board of mortuary arts; board of  
12 barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the  
13 Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-  
14 2704, and amendments thereto, of the Kansas state board of cosmetology;  
15 healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-  
16 5513, 65-6910, 65-7210 and 65-7309, and amendments thereto, and  
17 medical records maintenance trust fund, of the state board of healing arts;  
18 other state fees fund, K.S.A. 65-4024b, and amendments thereto, of the  
19 Kansas department for aging and disability services; board of nursing fee  
20 fund, K.S.A. 74-1108, and amendments thereto, of the board of nursing;  
21 dental board fee fund, K.S.A. 74-1405, and amendments thereto, and  
22 special litigation reserve fund, of the Kansas dental board; optometry fee  
23 fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation  
24 fund, of the board of examiners in optometry; state board of pharmacy fee  
25 fund, K.S.A. 74-1609, and amendments thereto, and state board of  
26 pharmacy litigation fund, of the state board of pharmacy; abstracters' fee  
27 fund, K.S.A. 74-3903, and amendments thereto, of the abstracters' board of  
28 examiners; athletic fee fund, K.S.A. 74-50,188, and amendments thereto,  
29 of the department of commerce; hearing instrument board fee fund, K.S.A.  
30 74-5805, and amendments thereto, and hearing instrument litigation fund  
31 of the Kansas board of examiners in fitting and dispensing of hearing  
32 instruments; commission on disability concerns fee fund, K.S.A. 74-6708,  
33 and amendments thereto, of the governor's department; technical  
34 professions fee fund, K.S.A. 74-7009, and amendments thereto, and  
35 special litigation reserve fund of the state board of technical professions;  
36 behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and  
37 amendments thereto, of the behavioral sciences regulatory board;  
38 governmental ethics commission fee fund, K.S.A. 25-4119e, and  
39 amendments thereto, of the governmental ethics commission; emergency  
40 medical services board operating fund, K.S.A. 75-1514, and amendments  
41 thereto, of the emergency medical services board; fire service training  
42 program fund, K.S.A. 75-1514, and amendments thereto, of the university  
43 of Kansas; uniform commercial code fee fund, K.S.A. 75-448, and

1 amendments thereto, of the secretary of state; prairie spirit rails-to-trails  
2 fee fund of the Kansas department of wildlife, parks and tourism; water  
3 marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the Kansas  
4 water office; insurance department service regulation fund, K.S.A. 40-112,  
5 and amendments thereto, of the insurance department; state fair special  
6 cash fund, K.S.A. 2-220, and amendments thereto, of the state fair board;  
7 scrap metal theft reduction fee fund, K.S.A. 2020 Supp. 50-6,109a, and  
8 amendments thereto; and any other fund in which fees are deposited for  
9 licensing, regulating or certifying a person, profession, commodity or  
10 product.

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

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

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

25 (d) Any such moneys ~~which~~ *that* are wrongfully or by mistake placed  
26 in the general fund shall constitute a proper charge against such general  
27 fund. All legislative appropriations which do not designate a specific fund  
28 from which they are to be paid shall be considered to be proper charges  
29 against the general fund of the state. All revenues received by the state of  
30 Kansas or any department, board, commission; or institution of the state of  
31 Kansas, and required to be paid into the state treasury shall be placed in  
32 and become a part of the state general fund, except as otherwise provided  
33 by law.

34 (e) The provisions of this section shall not apply to the 10% credited  
35 to the state general fund to reimburse the state general fund for accounting,  
36 auditing, budgeting, legal, payroll, personnel and purchasing services, and  
37 any and all other state governmental services, as provided in K.S.A. 75-  
38 3170a, and amendments thereto.

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

1 first day of the regular legislative session each year.

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

6 Sec. 6. K.S.A. 75-3036 and 77-547 and K.S.A. 2020 Supp. 17-  
7 12a508, 17-12a601 and 17-12a609 are hereby repealed.

8 Sec. 7. This act shall take effect and be in force from and after its  
9 publication in the statute book.