

HOUSE BILL No. 2477

AN ACT concerning agriculture; relating to environmental remediation; increasing the maximum reimbursement from the Kansas agricultural remediation fund from \$200,000 to \$300,000 for an eligible person; increasing the amount available to the Kansas agricultural remediation board for administrative overhead expenses from \$150,000 to \$175,000; amending K.S.A. 2-3708 and 2-3710 and repealing the existing sections.

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

Section 1. K.S.A. 2-3708 is hereby amended to read as follows: 2-3708. (a) There is hereby established the remediation reimbursement program. The program shall be for the purpose of:

(1) Providing reimbursement to eligible persons for the costs of corrective action approved by the department of health and environment or taken in accordance with requests or orders issued by the department of health and environment; and

(2) providing funding to the Kansas pesticide waste disposal program in accordance with K.S.A. 2-3716, and amendments thereto.

(b) The amount of reimbursement that an eligible person may receive from the fund shall be limited as follows:

(1) Except as provided in paragraph (2), ~~for~~ an eligible person who has paid all applicable assessments imposed pursuant to K.S.A. 2-3713, and amendments thereto, *may receive* reimbursement per site *as provided herein and evidenced by receipts for any eligible corrective action costs, but the total reimbursement shall not exceed \$300,000. If an eligible person has paid at least \$2,000 for eligible corrective action costs at a site, such person may receive reimbursement in an amount equal to:* (A) 90% of total eligible corrective action costs greater than \$1,000 and less than or equal to \$2,000 until such person has received \$100,000; plus (B) *additional reimbursement in an amount equal to 80% of additional total eligible corrective action costs greater than \$100,000 and less than or equal to \$200,000 until such person has received an additional \$200,000 in reimbursement.* The total amount reimbursed for any one site shall not exceed ~~\$200,000 within a five-year period or as otherwise set forth by the board~~ \$300,000, *except that the Kansas agricultural remediation board may, pursuant to rules and regulations, unless set forth a different amount that is less than or equal to \$300,000, the property has been sold or leased and both the buyer and seller or lessee and lessor are responsible for remediation, in which case the total amount reimbursed for any such site shall not exceed \$400,000 within a five-year period or as otherwise set forth by the board pursuant to rules and regulations.*

(2) For an eligible person who is not required to pay or has not paid any assessment imposed pursuant to K.S.A. 2-3713, and amendments thereto, or for a pesticide dealer who has paid the annual \$5 assessment pursuant to K.S.A. 2-3713(a)(4), and amendments thereto, reimbursement per site shall not exceed an amount equal to 100% of total eligible corrective action costs greater than \$1,000 and less than or equal to \$10,000.

Sec. 2. K.S.A. 2-3710 is hereby amended to read as follows: 2-3710. The *Kansas agricultural remediation* board shall have the following powers, duties and functions:

(a) Administer the fund and the remediation reimbursement program.

(b) Subject to K.S.A. 2-3701 through 2-3714, and amendments thereto, adopt rules and regulations concerning the terms and conditions of any reimbursements from the fund.

(c) Adopt rules and regulations establishing, for purposes of the remediation linked deposit loan program and the remediation reimbursement program, criteria for classification and prioritization of properties where contamination was caused by a release of agricultural

or specialty chemicals, or both. Classification and prioritization may account for the criteria contained in Kansas department of health and environment's voluntary clean up and property redevelopment program and state cooperator program.

(d) Establish operating standards and procedures ~~which~~ *that* shall include, but not be limited to, the following:

(1) With respect to the remediation linked deposit loan program, provisions governing board approval of projects for which applications for loans may be made;

(2) with respect to the remediation reimbursement program, provisions governing application procedures, determination of eligible corrective action costs, determination of ineligible corrective costs and reimbursement or payment of eligible corrective action costs; and

(3) with respect to both programs, provisions governing conflicts of interest, appeals procedures, review and priority determinations and enforcement of the provisions of K.S.A. 2-3701 through 2-3714, and amendments thereto.

(e) Appoint or contract for qualified administrative services subject to the limitation that expenditures from the fund for the administrative expenses of the board and the programs established by K.S.A. 2-3701 through 2-3714, and amendments thereto, shall not exceed ~~\$150,000~~ *\$175,000* in any fiscal year.

(f) Annually provide an independent audit of the fund.

(g) On or before February 1 of each year, submit to the governor, the senate standing committee on ~~energy agriculture~~ and natural resources *or any successor committee* and the house standing committee on ~~environment agriculture and natural resources~~ *or any successor committee* an annual report of the activities and reimbursements for which money from the fund has been expended during the previous fiscal year, including a copy of the independent audit.

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Sec. 3. K.S.A. 2-3708 and 2-3710 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the House, and passed that body

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HOUSE concurred in  
SENATE amendments \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*