

## HOUSE BILL No. 2633

By Committee on Water

Requested by Representative Pickert

1-30

1 AN ACT concerning water; relating to the certification of operators of  
2 water supply systems and wastewater treatment facilities; providing for  
3 additional sources of revenue for the water program management fund;  
4 requiring fees for operator certification examinations to not exceed the  
5 cost of such examinations; eliminating the ability of the secretary of  
6 health and environment to certify operators through a correspondence  
7 course rather than classroom instruction; amending K.S.A. 65-166b,  
8 65-4513 and 65-4514 and repealing the existing sections; also repealing  
9 K.S.A. 65-4506.

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

12 Section 1. K.S.A. 65-166b is hereby amended to read as follows: 65-  
13 166b. (a) There is hereby created in the state treasury the water program  
14 management fund. The secretary shall remit to the state treasurer, in  
15 accordance with the provisions of K.S.A. 75-4215, and amendments  
16 thereto, all moneys collected or received by the secretary from the  
17 following sources:

18 (1) Water pollution control permit system fees imposed pursuant to  
19 K.S.A. 65-166a, and amendments thereto;

20 (2) *certification fees for operators of water supply systems and*  
21 *wastewater treatment facilities imposed pursuant to K.S.A. 65-4513, and*  
22 *amendments thereto;*

23 (3) interest attributable to investment of moneys in the water program  
24 management fund;

25 ~~(3)~~(4) gifts, grants, reimbursements or appropriations intended to be  
26 used for the purposes of the fund, but excluding federal grants and  
27 cooperative agreements; and

28 ~~(4)~~(5) any other moneys provided by law.

29 Upon receipt of each such remittance, the state treasurer shall deposit in  
30 the state treasury any amount remitted pursuant to this subsection to the  
31 credit of the water program management fund.

32 (b) Moneys in the water program management fund shall be  
33 expended for the following purposes:

34 (1) Monitoring and investigating the quality of waters of the state;

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(2) payment of the state's share of the clean water act matching costs,

1 as required by the federal clean water act, 33 U.S.C. § 1256(d);

2 (3) payment for emergency action by the secretary as necessary or  
3 appropriate to assure that the public health or safety is not threatened  
4 whenever there is a release from a wastewater treatment facility;

5 (4) payment of the administrative, technical and legal costs incurred  
6 by the secretary in carrying out the provisions of K.S.A. 65-159 through  
7 65-171y *and 65-4501 through 65-4517*, and amendments thereto,  
8 including the cost of any additional employees or increased general  
9 operating costs of the department attributable therefore; and

10 (5) development of educational materials and programs for informing  
11 the public about water issues.

12 (c) Expenditures from the water program management fund shall be  
13 made in accordance with appropriation acts upon warrants of the director  
14 of accounts and reports issued pursuant to vouchers approved by the  
15 secretary or a person designated by the secretary.

16 (d) On or before the 10<sup>th</sup> day of each month, the director of accounts  
17 and reports shall transfer from the state general fund to the water program  
18 management fund interest earnings based on:

19 (1) The average daily balance of moneys in the water program  
20 management fund for the preceding month; and

21 (2) the net earnings rate of the pooled money investment portfolio for  
22 the preceding month.

23 (e) The water program management fund shall be used for the  
24 purposes set forth in this act and for no other governmental purposes. It is  
25 the intent of the legislature that the fund shall remain intact and inviolate  
26 for the purposes set forth in this act, and moneys in the fund shall not be  
27 subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and  
28 amendments thereto.

29 (f) The secretary shall prepare and deliver to the legislature, on or  
30 before the first day of each regular legislative session, a report ~~which~~ *that*  
31 summarizes all expenditures from the water program management fund,  
32 fund revenues and recommendations regarding the adequacy of the fund to  
33 support necessary water program management programs.

34 Sec. 2. K.S.A. 65-4513 is hereby amended to read as follows: 65-  
35 4513. The secretary shall establish a reasonable schedule of fees but in no  
36 case shall an individual operator *examination* fee exceed ~~twenty-five~~  
37 ~~dollars (\$25) in any one year~~ *the cost of an individual operator*  
38 *certification exam*.

39 Sec. 3. K.S.A. 65-4514 is hereby amended to read as follows: 65-  
40 4514. ~~(a)~~ The secretary shall remit all moneys received by or for the  
41 secretary from fees, charges or penalties *from the certification of operators*  
42 *of water supply systems and wastewater treatment facilities under the*  
43 *provisions of this act and the rules and regulations adopted hereunder to*

1 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
2 and amendments thereto. Upon receipt of each such remittance, the state  
3 treasurer shall deposit the entire amount in the state treasury to the credit  
4 of the ~~state general fund~~ *water program management fund established*  
5 *pursuant to K.S.A. 65-166b, and amendments thereto.*

6 ~~(b) On July 1, 1983, the director of accounts and reports shall transfer~~  
7 ~~all moneys in the certification of operators of water supply systems and~~  
8 ~~wastewater treatment facilities fee fund to the state general fund. All~~  
9 ~~liabilities of the certification of operators of water supply systems and~~  
10 ~~wastewater treatment facilities fee fund are hereby transferred to and~~  
11 ~~imposed upon the state general fund. The certification of operators of~~  
12 ~~water supply systems and wastewater treatment facilities fee fund is~~  
13 ~~hereby abolished.~~

14 Sec. 4. K.S.A. 65-166b, 65-4506, 65-4513 and 65-4514 are hereby  
15 repealed.

16 Sec. 5. This act shall take effect and be in force from and after its  
17 publication in the statute book.