

HOUSE BILL No. 2511

By Committee on Vision 2020

1-21

1 AN ACT concerning water; relating to lakes and reservoirs; municipal
2 water suppliers; municipal water wells; state fishing lakes; amending
3 K.S.A. 82a-951 and 82a-1205 and K.S.A. 2015 Supp. 32-991 and 82a-
4 2101 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) In addition to the fees prescribed pursuant to law
8 or rules and regulations of the secretary of wildlife, parks and tourism, the
9 secretary shall charge a recreation water protection fee of \$10 for each
10 permit and license sold by the department.

11 (b) The secretary shall remit all moneys received pursuant to this
12 section to the state treasurer in accordance with the provisions of K.S.A.
13 75-4215, and amendments thereto. Upon receipt of each such remittance,
14 the state treasurer shall deposit the entire amount in the state treasury to
15 the credit of the parks fee fund, created by K.S.A. 32-991, and
16 amendments thereto.

17 Sec. 2. K.S.A. 2015 Supp. 32-991 is hereby amended to read as
18 follows: 32-991. (a) Unless otherwise directed by law and except for
19 revenues pledged to payment of revenue bonds issued in connection with
20 specific projects, all moneys received from state park permit fees, tolls,
21 rentals and charges derived from the use, lease or operation of state parks,
22 or any portion thereof or facility therein, including receipts from the park
23 and recreation motor vehicle permit and from fees for duplicate permits
24 and other issues of the department, all moneys derived from the sale of
25 bonds and all moneys from sources related thereto or allied recreational
26 pursuits shall be remitted to the state treasurer in accordance with the
27 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
28 each such remittance, the state treasurer shall deposit the entire amount in
29 the state treasury to the credit of the parks fee fund, which is hereby
30 created.

31 (b) All costs and expenses incurred by the department for the
32 following purposes shall be paid from the parks fee fund:

33 (1) Administering, implementing and enforcing the laws of this state
34 relating to state parks and state park facilities and their management and
35 use; ~~and~~

36 (2) acquiring title to lands and rights therein or thereon, waters or

1 water rights, and keeping, improving and maintaining the same for the
2 purposes described in subsection (b)(1);

3 (3) *increasing access to waters of the state; and*

4 (4) *maintenance of state fishing lakes.*

5 (c) No moneys derived from sources described in subsection (a) shall
6 be used for any purpose other than the administration of matters which
7 relate to state parks and which are under the control, authorities and duties
8 of the secretary and the department as provided by law.

9 (d) All expenditures from the parks fee fund shall be made in
10 accordance with appropriations acts upon warrants of the director of
11 accounts and reports issued pursuant to vouchers approved by the
12 secretary.

13 Sec. 3. K.S.A. 82a-951 is hereby amended to read as follows: 82a-
14 951. (a) (1) On and after July 1, 1989, there is hereby created, in the state
15 treasury, the state water plan fund. All moneys in the state water plan fund
16 shall be expended in accordance with appropriations acts for
17 implementation of the state water plan formulated pursuant to K.S.A. 82a-
18 903 et seq., and amendments thereto. Such moneys shall be used only for
19 the establishment and implementation of water-related projects or
20 programs *including: (A) The electronic integration through a portal or*
21 *form of data repository, whichever is deemed most efficient and cost-*
22 *effective of federal, state and private databases on Kansas' subsurface*
23 *waters; (B) support grants for research and pilot projects on innovative*
24 *water treatment programs, alternative crops and crop development that*
25 *utilizes less water; and (C) research on using non-potable water in*
26 *agricultural activities, and related technical assistance, ~~and shall not be~~*
27 *used for: (1) and support for inter-agency water protection priorities as*
28 *identified by the Kansas water authority.*

29 (2) *Such moneys shall not be used for: (1) (A) Replacing full time*
30 *equivalent positions of any state agency; or (2) (B) recreational projects*
31 *which do not meet one or more of the long-range goals, objectives and*
32 *considerations set forth in the state water resource planning act.*

33 (b) On or before December 1 of each year, the Kansas water authority
34 shall submit to the governor and the legislature a report setting out: (1) An
35 account of all moneys expended from the state water plan fund during
36 such fiscal year; and (2) a five-year capital development plan for state
37 water plan projects.

38 Sec. 4. K.S.A. 82a-1205 is hereby amended to read as follows: 82a-
39 1205. (a) The secretary shall be responsible for the administration and
40 enforcement of the provisions of this act and any rules and regulations
41 adopted pursuant thereto.

42 (b) The secretary shall fix by rules and regulations reasonable license
43 fees annually for each contractor and for each drill rig operated by or for

1 such contractor. The secretary shall fix by rules and regulations an
2 additional fee for each water well drilled except as provided in paragraphs
3 ~~(1) and (2) of subsection (e) of K.S.A. 82a-1203(c)(1) and (2), and~~
4 amendments thereto. Such fees shall be in an amount, which, together
5 with any other funds available therefor, will produce an amount, which
6 will properly administer the provisions of this act. Any nonresident may
7 secure a water well contractor's license in Kansas upon approval of an
8 application therefor by the secretary and the payment of a fee equal to the
9 fee charged for a similar nonresident license by the state in which the
10 applicant is a resident, but in no case shall the fee be less than that charged
11 a Kansas resident.

12 *(c) The secretary shall collect an irrigation, industrial and municipal*
13 *water well fee. Such fee shall be \$100 on each water well. The secretary*
14 *shall remit all moneys to the state treasurer in accordance with the*
15 *provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of*
16 *each such remittance, the state treasurer shall deposit the entire amount in*
17 *the state treasury to the credit of the state water plan fund created by*
18 *K.S.A. 82a-951, and amendments thereto.*

19 ~~(d)~~ *(d)* The secretary shall have the power and authority and may
20 cause to be inspected water wells in all phases of construction,
21 reconstruction, treatment or plugging, and shall have access to such wells
22 at all reasonable times. The secretary shall have general supervision and
23 authority over the construction, reconstruction and treatment of all water
24 wells and the plugging of holes drilled and abandoned in search of a
25 groundwater supply or hydrogeological information.

26 ~~(e)~~ *(e)* The secretary may employ within funds available such
27 engineering, geological, legal, clerical and other personnel as may be
28 necessary for the proper performance of responsibilities under this act.
29 Such employees shall be within the classified service under the Kansas
30 civil service act.

31 ~~(f)~~ *(f)* The secretary is authorized and directed to cause examination to
32 be made of applicants for licensing; to renew such licenses; to adopt rules
33 and regulations necessary to establish continuing educational requirements
34 for persons licensed under this act; to issue licenses to qualified water well
35 contractors in this state; to revoke or suspend licenses after their issuance
36 is hereafter determined, after notice to the person affected and an
37 opportunity for hearing; and to reinstate licenses previously revoked when
38 justification therefor is shown.

39 ~~(g)~~ *(g)* The secretary shall prepare, in the form and manner prescribed
40 by law, a report on the administration of this act.

41 Sec. 5. K.S.A. 2015 Supp. 82a-2101 is hereby amended to read as
42 follows: 82a-2101. (a) On and after January 1, 2002, there is hereby
43 imposed a clean drinking water fee at the rate of ~~\$.03~~ \$.07 per 1,000

1 gallons of water sold at retail by a public water supply system and
2 delivered through mains, lines or pipes. Such fee shall be paid,
3 administered, enforced and collected in the manner provided for the fee
4 imposed by ~~subsection (a)(1) of K.S.A. 82a-954(a)(1), and amendments~~
5 thereto. The price to the consumer of water sold at retail by any such
6 system shall not include the amount of such fee.

7 ~~(b) (1) A public water supply system may elect to opt out of the fee~~
8 ~~imposed by this section by notifying, before October 1, 2001, the Kansas~~
9 ~~water office and the department of revenue of the election to opt out.~~
10 ~~Except as provided by subsection (b)(2), such election shall be irrevocable.~~
11 ~~Such public water supply system shall continue to pay all applicable sales~~
12 ~~tax on direct and indirect purchases of tangible personal property and~~
13 ~~services purchased by such system.~~

14 ~~(2) On and after January 1, 2005, any public water supply system~~
15 ~~which elected to opt out of the fee imposed by subsection (a) may elect to~~
16 ~~collect such fee as provided by subsection (a) and direct and indirect~~
17 ~~purchases of tangible personal property and services by such system shall~~
18 ~~be exempt from sales tax as provided by K.S.A. 79-3606, and amendments~~
19 ~~thereto. Such election shall be irrevocable.~~

20 ~~(e)(b)~~ The director of taxation shall remit to the state treasurer in
21 accordance with the provisions of K.S.A. 75-4215, and amendments
22 thereto, all moneys received or collected from the fee imposed pursuant to
23 this section. Upon receipt thereof, the state treasurer shall deposit the
24 entire amount in the state treasury and credit it as follows:

25 (1) $\frac{5}{106}$ of such amount shall be credited to the state highway fund
26 ~~and the remainder to the state general fund; and~~

27 (2) ~~on and after July 1, 2007,~~ $\frac{5}{106}$ of such amount shall be credited to
28 ~~the state highway fund and the remaining amount shall be credited to the~~
29 state water plan fund created by K.S.A. 82a-951, and amendments thereto,
30 for use as follows: (A) Not less than 15% shall be used to provide on-site
31 technical assistance for public water supply systems, as defined in K.S.A.
32 65-162a, and amendments thereto, to aid such systems in conforming to
33 responsible management practices and complying with regulations of the
34 United States environmental protection agency and rules and regulations
35 of the department of health and environment; (B) *not less than 50% shall*
36 *be used to fund: (i) The electronic integration through a portal or a form*
37 *of data repository, whichever is deemed most efficient and cost-effective of*
38 *federal, state and private databases on Kansas waters; (ii) analysis of the*
39 *composition of sediment in reservoirs, municipal drinking water supply*
40 *lakes, rivers and other waters to identify any hazardous chemical*
41 *components, the source of the sediment and identification of sedimentation*
42 *rates; (iii) evaluation of the effectiveness of existing state programs that*
43 *seek to address sediment and nutrient reduction; (iv) development of*

1 *models to aid policy-makers in determining the most effective options to*
2 *extend and restore the productive life of drinking water supplies; (v) on-*
3 *site technical assistance to public water and wastewater utilities; and (vi)*
4 *inter-agency water protection priorities as identified by the Kansas water*
5 *authority; and ~~(B)~~ (C) the remainder shall be used to renovate and protect*
6 *lakes which are used directly as a source of water for such public water*
7 *supply systems, so long as where appropriate, watershed restoration and*
8 *protection practices are planned or in place.*

9 ~~(d)~~(c) The Kansas department of agriculture division of conservation
10 shall promulgate rules and regulations in coordination with the Kansas
11 water office establishing the project application evaluation criteria for the
12 use of such moneys under subsection ~~(e)(b)(2)~~~~(B)~~(C).

13 Sec. 6. K.S.A. 82a-951 and 82a-1205 and K.S.A. 2015 Supp. 32-991
14 and 82a-2101 are hereby repealed.

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