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Session of 2017

SENATE BILL No. 60

By Committee on Agriculture and Natural Resources

1-23

AN ACT concerning agriculture; relating to the Kansas department of agriculture; certain fees; amending K.S.A. 2016 Supp. 2-1205, 2-2204, 2-2212, 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-2464a, 2-2469, 2-3304, 2-3306, 82a-303b, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections.

K.S.A. 2-3710 and

Proposed Amendments to SB 61
Senate Agriculture & Natural Resources
February 13, 2017
Remove Sec. 12 and add K.S.A. 2-3710
Prepared by: Tamera Lawrence
Office of Revisor of Statutes

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

Section 1. K.S.A. 2016 Supp. 2-1205 is hereby amended to read as follows: 2-1205. An inspection fee shall be collected upon all commercial fertilizers sold, offered or exposed for sale, or distributed in Kansas, which shall be at a rate per ton of ~~2,000 pounds~~ fixed by rules and regulations adopted by the secretary of agriculture, except that such rate shall not exceed \$1.67 per ton of ~~2,000 pounds~~. The secretary of agriculture may adopt rules and regulations establishing the inspection fee rate under this section. Each person registering any commercial fertilizer shall pay the inspection fee on such commercial fertilizer sold, offered or exposed for sale, or distributed in Kansas. Each such person shall keep adequate records showing the tonnage of each commercial fertilizer shipped to or sold, offered or exposed for sale, or distributed in Kansas. The secretary, and duly authorized representatives of the secretary, shall have authority to examine such records and other pertinent records necessary to verify the statement of tonnage.

Each person registering any commercial fertilizer shall file an affidavit semiannually, with the secretary, within 30 days after each January 1 and each July 1, showing the tonnage of commercial fertilizer sold or distributed in Kansas for the preceding six-month period. Each such person shall pay to the secretary the inspection fee due for such six-month period, except that the registrant shall not be required to pay the inspection fee or report the tonnage of commercial fertilizers or fertilizer materials sold and shipped directly to fertilizer manufacturers or mixers. The fertilizer manufacturers or mixers shall keep adequate records of the commercial fertilizers sold or distributed in this state, and report to the secretary the tonnage and pay the inspection fee due. If the affidavit is not filed and the inspection fee is not paid within the 30-day period, or if the report of tonnage is false, the secretary may revoke the registrations filed by such person. If the affidavit is not filed and the inspection fee is not

1 permit holder.
2 (b) The secretary shall not issue a chemigation user permit to any
3 person unless such person is a certified chemigation equipment operator or
4 has in such person's employment at least one certified chemigation
5 equipment operator. A chemigation equipment operator is an individual
6 who has successfully completed an examination given by the secretary or
7 the secretary's designee. Except as provided in subsection (c), if the
8 chemigation user permit is issued to an individual, that individual must
9 have successfully completed the chemigation equipment operator
10 examination. Such examination shall include, but not be limited to, the
11 following:
12 (1) The proper use of anti-pollution devices;
13 (2) preparing the chemical solution and filling the chemical supply
14 container;
15 (3) calibrating of injection equipment;
16 (4) supervision of chemigation equipment to assure its safe operation;
17 (5) environmental and human hazards that may be involved in
18 chemigation;
19 (6) protective clothing and respiratory equipment;
20 (7) general precautions to be followed in disposal of containers and
21 decontamination of the equipment;
22 (8) handling of tail water and other accumulations of water containing
23 chemicals;
24 (9) information of procedures to be followed should chemicals
25 inadvertently enter the water supply source as a result of the chemigation
26 process;
27 (10) label information, especially chemigation instructions;
28 (11) applicable state and federal laws and regulations; and
29 (12) any other subject which the secretary deems necessary.
30 (c) The examination provided for in subsection (b) may be waived for
31 any individual who has been certified as a pesticide applicator in the
32 category of chemigation pursuant to the Kansas pesticide law.
33 (d) The chemigation equipment operator certification shall expire on
34 December 31 of the fourth calendar year after the year of issue. A
35 chemigation equipment operator certification shall be renewed for a
36 succeeding five year period upon payment of the certification fee and
37 passing the examination specified in either subsection (b) or (c).
38 (e) The fee for certification as a chemigation equipment operator or
39 for renewal of such certification shall be \$25, except that on and after July
40 1, 2018 2025, such certification shall be \$10.
41 [Sec. 12, K.S.A. 2016 Supp. 2-3713 is hereby amended to read as
42 follows: 2-3713. (a) Subject to the provisions of K.S.A. 2-3712, and
43 amendments thereto, there is hereby imposed environmental assessments-

1 as follows:

2 ~~(1) An annual assessment of \$100 to be paid by each custom blender~~
3 ~~required to be licensed pursuant to K.S.A. 2-1201a and amendments~~
4 ~~thereto. Such assessment shall be paid to the secretary of agriculture by the~~
5 ~~custom blender at the time and in the manner provided by law for payment~~
6 ~~of the custom blender's license fee.~~

7 ~~(2) An annual assessment of \$20 for each commercial fertilizer~~
8 ~~required to be registered pursuant to K.S.A. 2-1202, and amendments~~
9 ~~thereto. Such assessment shall be paid to the secretary of agriculture by the~~
10 ~~applicant for registration at the time and in the manner provided by law for~~
11 ~~payment of the registration fee for the commercial fertilizer.~~

12 ~~(3) An annual assessment of \$60 for each agricultural chemical~~
13 ~~required to be registered pursuant to K.S.A. 2-2204, and amendments~~
14 ~~thereto, other than an agricultural chemical classified as an antimicrobial~~
15 ~~pesticide, as defined by 7 U.S.C. § 136(4mm). Such assessment shall be~~
16 ~~paid to the secretary of agriculture by the applicant for registration at the~~
17 ~~time and in the manner provided by law for payment of the registration fee~~
18 ~~for the agricultural chemical.~~

19 ~~(4) An annual assessment to be paid by each pesticide dealer required~~
20 ~~to be registered pursuant to K.S.A. 2-2469, and amendments thereto. If the~~
21 ~~annual sales of pesticides from the previous year by a pesticide dealer~~
22 ~~from a business location are less than \$2,500, the annual assessment shall~~
23 ~~be \$5. If the annual sales of pesticides from the previous year by a~~
24 ~~pesticide dealer from a business location are equal to or greater than~~
25 ~~\$2,500, the annual assessment shall be \$80. Such assessment shall be paid~~
26 ~~to the secretary of agriculture by the pesticide dealer at the time and in the~~
27 ~~manner provided by law for payment of the dealer's registration fee.~~

28 ~~(5) An annual assessment of \$.0005 per bushel of storage capacity of~~
29 ~~each public warehouse required to be licensed pursuant to K.S.A. 34-228,~~
30 ~~and amendments thereto, or pursuant to the federal warehouse act. Such~~
31 ~~assessment shall be paid to the secretary of agriculture by the applicant for~~
32 ~~license at the time and in the manner provided by law for payment of the~~
33 ~~warehouse license fee.~~

34 ~~(6) An annual assessment of \$.0005 per bushel of storage capacity of~~
35 ~~each public warehouse in this state that is licensed pursuant to the United~~
36 ~~States warehouse act. Such assessment shall be paid to the secretary of~~
37 ~~agriculture by the licensee on or before August 31 of each year.~~

38 ~~(7) An annual assessment of \$1,000 to be paid by the responsible~~
39 ~~party for a site that has been sold or leased but where the seller or lessor~~
40 ~~still retains responsibility for cleaning up the site. Such assessment shall be~~
41 ~~paid to the secretary of agriculture by the responsible party on or before~~
42 ~~September 30 of each year.~~

43 ~~(b) The secretary of agriculture may charge and collect an amount~~

1 ~~necessary for the purposes of administering the provisions of this act.~~
 2 ~~Such amount shall not exceed the cost for administering this act and shall~~
 3 ~~be collected from any annual assessment imposed herein, prior to any~~
 4 ~~other remittance by the secretary. The secretary of agriculture shall remit~~
 5 ~~to the state treasurer all remaining moneys collected by the secretary from~~
 6 ~~assessments paid pursuant to this section in accordance with the~~
 7 ~~provisions of K.S.A. 75-2215, and amendments thereto. The state treasurer~~
 8 ~~shall deposit the entire amount of the remittance in the state treasury and~~
 9 ~~credit it to the fund.~~
 10 ~~(c) The secretary of agriculture shall adopt rules and regulations~~
 11 ~~establishing procedures for payment and collection of all environmental~~
 12 ~~assessments.~~
 13 ~~(d) The secretary of agriculture shall have the authority to reimburse~~
 14 ~~or refund a person if an error occurred in the payment of an assessment.~~
 15 ~~(e) For a remediated site to be eligible for reimbursement under~~
 16 ~~subsection (b)(1) of K.S.A. 2-3708(b)(1), and amendments thereto, all~~
 17 ~~applicable environmental assessments must be paid for such site.]~~

18 Sec. 13. K.S.A. 2016 Supp. 82a-303b is hereby amended to read as
 19 follows: 82a-303b. (a) (1) In order to secure conformity with adopted rules
 20 and regulations and to assure compliance with the terms, conditions or
 21 restrictions of any consent or permit granted pursuant to the provisions of
 22 K.S.A. 82a-301 through 82a-303, and amendments thereto, the chief
 23 engineer or an authorized representative of the chief engineer shall have
 24 the power and the duty to inspect any dam or other water obstruction.
 25 Upon a finding pursuant to subsection (e) of K.S.A. 82a-303c(a), and
 26 amendments thereto, by the chief engineer that a dam is unsafe, the chief
 27 engineer shall order an annual inspection of the dam until it is either in
 28 compliance with all applicable provisions of this act, any rules and
 29 regulations promulgated pursuant to this act, permit conditions and orders
 30 of the chief engineer; or the dam is removed. The safety inspection shall be
 31 conducted by the chief engineer or authorized representative and the cost
 32 shall be paid by the dam owner. The class and size of a dam shall be
 33 defined by rules and regulations adopted by the chief engineer pursuant to
 34 K.S.A. 82a-303a, and amendments thereto. Inspection fees are as follows:

Size of Dam	Inspection fee
Class 1	\$1,500
Class 2	\$1,500
Class 3	\$2,500
Class 4	\$4,000

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 40 (2) Each hazard class C dam shall be required to have a safety
 41 inspection conducted by a licensed professional engineer qualified in
 42 design, construction, maintenance and operation of dams once every three
 43 years, unless otherwise ordered by the chief engineer.

Sec. 12. K.S.A. 2016 Supp. 2-3710 is hereby amended to read as follows: 2-3710.
 The 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 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 ~~in any fiscal year.~~ ^{by 2015} ~~in any fiscal year.~~ ^{180,000}
- (f) Annually provide an independent audit of the fund. ^{180,000}
- (g) On or before February 1 of each year, submit to the governor, the senate standing committee on energy and natural resources and the house standing committee on environment 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.

1 any permit granted pursuant to provisions of this section any permanent
2 right to appropriate water except as is provided by such permit.

3 (d) All fees collected by the chief engineer pursuant to this section
4 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
5 amendments thereto.

6 Sec. 19. K.S.A. 2016 Supp. 2-1205, 2-2204, 2-2212, 2-2440, 2-
7 2440b, 2-2443a, 2-2445a, 2-2464a, 2-2469, 2-3304, 2-3306, 82a-303b,
8 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 are hereby repealed.

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

2-3710,

