

HOUSE BILL No. 2577

By Committee on Water and Environment

1-30

1 AN ACT concerning the Kansas emergency planning and community  
2 right-to-know act; relating to emergency response and planning;  
3 creating the Kansas right-to-know fee fund; amending K.S.A. 65-5704  
4 and repealing the existing section.  
5

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

7 New Section 1. (a) There is hereby created in the state treasury the  
8 Kansas right-to-know fee fund, which shall be administered by the  
9 secretary of health and environment. All moneys received pursuant to  
10 K.S.A. 65-5704, and amendments thereto, shall be deposited into the the  
11 Kansas right-to-know fee fund.

12 (b) All expenditures from the Kansas right-to-know fee fund shall be  
13 used by the secretary of health and environment ~~to~~ (1) Administer the  
14 Kansas right-to-know program; and (2) ~~provide funding to support training~~  
15 ~~of Kansas first responders and emergency management officials on topics~~  
16 ~~related to hazardous chemical response~~

17 (c) All expenditures from the Kansas right-to-know fee fund shall be  
18 made in accordance with appropriation acts upon warrants of the director  
19 of accounts and reports issued pursuant to vouchers approved by the  
20 secretary or by a person or persons designated by the secretary.

21 Sec. 2. K.S.A. 65-5704 is hereby amended to read as follows: 65-  
22 5704. (a) The secretary of health and environment shall:

23 ~~(a)(1)~~ Provide support for the oversight and administrative activities  
24 of the commission;  
25 ~~(b)(2)~~ receive, process and manage hazardous chemical information  
26 required to be submitted and notifications required to be given pursuant to  
27 the federal act;

28 ~~(c)(3)~~ establish a list of Kansas reportable chemicals which shall also  
29 be subject to the requirements of sections 3111 and 3112 of the federal act;  
30 ~~(d)(4)~~ designate threshold planning quantities and reportable  
31 quantities for any chemical designated for listing as reportable in Kansas.

32 For purposes of reporting in Kansas, the secretary may establish more  
33 stringent reporting thresholds for those chemicals required to be reported  
34 under the federal act. Chemicals shall be designated and reporting  
35 thresholds established after public notice and hearing, based upon concern  
36 for the hazards such chemicals may represent in Kansas; and

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(e)(5) adopt such rules and regulations as necessary to implement the provisions of the federal act and the secretary's duties under this section, including provisions for protection of trade secrets and for public disclosure of information consistent with sections 322, 323 and 324 of the federal act. Such rules and regulations may establish fees to cover all or part of the total cost of operation of the program.

(b) ~~The secretary shall remit all moneys received from fees collected pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the Kansas right-to-know fee fund.~~  
 Sec. 3. K.S.A. 65-5704 is hereby repealed.  
 Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Such fees shall not exceed the maximum fees prescribed in subsection (b). The secretary shall reduce the fees by adopting rules and regulations under this section whenever the secretary determines that the fees are yielding more than is necessary for the purpose of administering the program. The secretary may increase the fees by adopting rules and regulations under this section when the secretary finds that such increase is necessary to produce sufficient revenues for the purpose of administering the program, except that the fees shall not be increased in excess of the total cost of operation of the program.

(1) The maximum fees allowable under this section shall be determined as follows:  
 (A) Fees on the total maximum daily reportable quantity of extremely hazardous substances listed on the Kansas tier II form shall be:

Sum of the maximum daily amounts of all extremely hazardous substances reported (pounds)	Annual Fee
1 - 9,999	\$25
10,000 - 999,999	\$50
1,000,000 or greater	\$150

(B) Fees on the total maximum daily reportable quantity of hazardous chemicals listed on the Kansas tier II form shall be:

Sum of the maximum daily amounts of all extremely hazardous substances reported (pounds)	Annual Fee
10,000 - 99,999	\$25
100,000 - 999,999	\$50
1,000,000 - 9,999,999	\$150
10,000,000 or greater	\$300

(C) Fees payable on the total quantity of chemicals released reported on the federal form R shall be:

Sum of the total chemical releases reported (pounds)	Annual Fee
100 - 19,999	\$250
20,000 - 99,999	\$700
100,000 - 999,999	\$1,700
1,000,000 or greater	\$3,000

(D) Each owner or operator subject to the fees prescribed in this section shall not be assessed an annual report fee in total greater than \$3,000 during any single report year, excluding late fees.  
 (2)