

February 3, 2021

The Honorable Ken Rahjes, Chairperson
House Committee on Agriculture
Statehouse, Room 149D-S
Topeka, Kansas 66612

Dear Representative Rahjes:

SUBJECT: Fiscal Note for HB 2155 by House Committee on Agriculture

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2155 is respectfully submitted to your committee.

HB 2155 would require any person responsible for intentionally, accidentally or inadvertently releasing pollutants into the waters or soils of the state to be responsible for the cleanup of the release. The person would be required to notify the Kansas Department of Health and Environment (KDHE) of the release. The person responsible for the release would be responsible for cleanup costs incurred by KDHE. The bill would authorize KDHE to impose a penalty up to \$5,000 for violations of law or rules and regulations. However, no penalty could be imposed until KDHE provided notice of an opportunity for a hearing. For continuing violations, a maximum penalty of \$15,000 may be imposed. Monies received from the penalties would be remitted to the Emergency Response Activities account in the Natural Resources Damages Trust Fund.

The bill would require KDHE to take the following actions to prevent water and soil pollution:

1. Adopt rules and regulations that are necessary to respond to and report the release of a pollutant;
2. Designate a 24-hour statewide telephone number;
3. Provide minimum reportable quantities;
4. Order a person responsible for the release of a pollutant to clean up the release; and

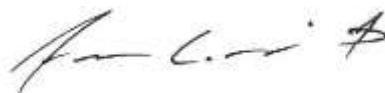
5. Take necessary action to clean up a release if the person responsible cannot be identified within a reasonable period of time.

KDHE may also provide technical guidance, oversight and guidance to state agencies and local governments; take necessary action to clean up a release if the person responsible fails to take reasonable actions; clean up a release if the release poses an emergency.

Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	\$30,000
Expenditure	--	--	--	\$30,000
FTE Pos.	--	--	--	--

KDHE estimates the bill would require additional expenditures of \$30,000 from the Emergency Response Activities account in the Natural Resources Damages Trust Fund. The funds would be used for supplies and equipment necessary to respond to releases of pollutants in a timely manner. The agency estimates the expenditures would be offset by an equal amount of revenue to the Emergency Response Activities account in the Natural Resources Damages Trust Fund from penalties. KDHE indicates the bill would not result in a large amount of revenue because companies usually comply with reporting and cleanup requirements when the possibility of penalties exists. Any fiscal effect associated with HB 2155 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Dan Thimmesch, Health & Environment