

HOUSE BILL No. 2632

By Committee on Utilities

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AN ACT concerning the environment; relating to pollution; relating to renewable electric generation; providing for certain assessments to fund certain environmental research and remediation programs.

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

Section 1. (a) Whenever the state corporation commission, secretary of wildlife and parks, secretary of health and environment, the director of the division of environment or any court of this state orders, pursuant to chapter 32, chapter 55 or chapter 65 of the Kansas Statutes Annotated, any person or entity to pay any fine or penalty for an act or failure to act which causes or threatens to cause pollution of the air, water or soil of this state, or to pay costs of remediation of pollution of the air, water or soil of this state, such commission, secretary, director or court shall also order such person or entity to: (1) Purchase electricity which is generated from renewable resources or technologies, as defined in K.S.A. 79-201, and amendments thereto, and has a value equal to 10% of such fine, penalty or costs; or (2) pay an additional assessment equal to 10% of such fine, penalty or costs. If a fine, penalty or costs subject to this subsection are reduced or suspended, the assessment ordered pursuant to this section shall be equal to 10% of the fine, penalty or costs originally ordered.

(b) The state corporation commission, secretary of wildlife and parks, secretary of health and environment, director of the environment or court entering an order to pay an assessment pursuant to subsection (a)(1) shall remit daily to the state treasurer all moneys received or collected from such assessments. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the clean environment fund created by section 2, and amendments thereto.

Sec. 2. (a) There is hereby created in the state treasury the clean environment fund. The fund shall consist of:

(1) Moneys credited to the fund pursuant to section 1, and amendments thereto;

(2) interest credited to the fund pursuant to subsection (c); and

(3) any amounts appropriated, contributed or otherwise made available for the purposes of the fund.

(b) Moneys in the clean environment fund shall be expended only as

1 provided for by section 3, and amendments thereto.

2 (c) On or before the 10th of each month, the director of accounts
3 and reports shall transfer from the state general fund to the clean envi-
4 ronment fund interest earnings based on:

5 (1) The average daily balance of moneys in the clean environment
6 fund for the preceding month; and

7 (2) the net earnings rate for the pooled money investment portfolio
8 for the preceding month.

9 (d) All expenditures from the clean environment fund shall be made
10 in accordance with appropriation acts upon warrants of the director of
11 accounts and reports issued pursuant to vouchers approved by the chair-
12 person of the state corporation commission or the chairperson's designee,
13 the secretary of wildlife and parks or the secretary's designee and the
14 secretary of health and environment or the secretary's designee for the
15 purposes set forth in section 3, and amendments thereto.

16 Sec. 3. (a) The clean environment fund shall be administered by the
17 state corporation commission, the secretary of wildlife and parks, and the
18 secretary of health and environment in accordance with a memorandum
19 of understanding entered into by such commission and secretaries.

20 (b) Moneys in the clean environment fund shall be used only to pro-
21 vide grants to the state biological survey, the Kansas water office and other
22 state agencies administering or conducting environmental research and
23 remediation programs for use in prevention and remediation of pollution
24 of the state's air, water and soil.

25 (c) The state corporation commission, secretary of wildlife and parks
26 and the secretary of health and environment, in accordance with a mem-
27 orandum of understanding entered into by such commission and secre-
28 taries, may adopt such rules and regulations as necessary to administer
29 the provisions of this act.

30 Sec. 4. This act shall take effect and be in force from and after its
31 publication in the statute book.

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