

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2484

By Representative Sloan

1-6

10 AN ACT concerning public water supply systems; relating to certain fees
11 and the disposition thereof; amending K.S.A. 2003 Supp. 82a-2101 and
12 repealing the existing section.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2003 Supp. 82a-2101 is hereby amended to read
16 as follows: 82a-2101. (a) On and after January 1, 2002, there is hereby
17 imposed a clean drinking water fee at the rate of \$.03 per 1,000 gallons
18 of water sold at retail by a public water supply system and delivered
19 through mains, lines or pipes. Such fee shall be paid, administered, en-
20 forced and collected in the manner provided for the fee imposed by sub-
21 section (a)(1) of K.S.A. 82a-954, and amendments thereto. The price to
22 the consumer of water sold at retail by any such system shall not include
23 the amount of such fee.

24 (b) (1) A public water supply system may elect to opt out of the fee
25 imposed by this section by notifying, before October 1, 2001, the Kansas
26 water office and the department of revenue of the election to opt out.
27 *Except as provided by subsection (b)(2), such election shall be irrevocable.*
28 Such public water supply system shall continue to pay all applicable sales
29 tax on direct and indirect purchases of tangible personal property and
30 services purchased by such system.

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

37 (c) The director of taxation shall remit to the state treasurer in ac-
38 cordance with the provisions of K.S.A. 75-4215, and amendments thereto,
39 all moneys received or collected from the fee imposed pursuant to this
40 section. Upon receipt thereof, the state treasurer shall deposit the entire
41 amount in the state treasury and credit ~~5/98~~ thereof *it as follows:*

42 (1) *Before January 1, 2006, 5/106 of such amount shall be*
43 *credited to the state highway fund and the remainder to the state general*

1 fund; and

2 (2) on and after January 1, ~~2006~~ **2007**, the entire amount shall be
3 credited to the state water plan fund created by K.S.A. 82a-951, and
4 amendments thereto, for use: (A) In protecting and renovating lakes which
5 are used, directly or indirectly, as a source of water for public water
6 supply systems, as defined in K.S.A. 65-162a, and amendments thereto;
7 and (B) in providing water conservation programs, mapping of water
8 systems, energy reduction for water treatment operations and on-site
9 technical and other assistance for such public water supply systems.

10 Sec. 2. K.S.A. 2003 Supp. 82a-2101 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the statute book.