

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2049

By Committee on Agriculture and Natural Resources

1-23

Proposed Amendment to HB 2049

Senate Committee on Agriculture

3/20/13

Prepared by David Wiese

Office of Revisor of Statutes

1 AN ACT concerning the Kansas department of agriculture; relating to
2 program fees; increasing certain fees; eliminating sunsets on various
3 program fees; exempting certain dairies from fees; amending K.S.A.
4 2012 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-
5 778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714, 82a-727, 83-302
6 and 83-402 and repealing the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2012 Supp. 2-2440 is hereby amended to read as
10 follows: 2-2440. (a) Subject to the provisions of subsection (d), it is
11 unlawful for any pesticide business which has not been issued a pesticide
12 business license to:

13 (1) Advertise, offer for sale, sell or perform any service for the
14 control of a pest on the property of another or apply a pesticide to the
15 property of another within this state; or

16 (2) perform any service for the control of a pest or apply any
17 pesticide on or at the premises of another person under any commission,
18 division of receipts or subcontracting arrangement with a licensed
19 pesticide business.

20 Nothing in this subsection shall be construed to require the licensing of
21 any person applying restricted use pesticides to the property of another as
22 a certified private applicator or under the supervision of a certified private
23 applicator.

24 (b) Application for a pesticide business license or renewal shall be
25 made on a form obtained from the secretary and shall be accompanied by
26 an application fee per category in which the licensee applies, and an
27 additional fee for each uncertified individual employed by the applicant to
28 apply pesticides. The application fee per category shall be \$140 per
29 category in which the licensee applies, ~~except that on and after July 1,~~
30 ~~2015, the application fee per category shall be \$112 per category in which~~
31 ~~the licensee applies, except that on and after July 1, 2019, the~~
32 ~~application fee per category shall be \$112 per category in which the~~
33 ~~licensee applies.~~ An additional fee of \$15 shall be paid for each
34 uncertified individual employed by the applicant to apply pesticides;
35 ~~except that on and after July 1, 2015, an additional fee of \$10 shall be paid~~
36 ~~for each uncertified individual employed by the applicant to apply~~

Senate Agriculture Committee

Date: 3-20-13

Attachment # 1-1

Sen. Powell Proposed amendment to
HB 2049

1 follows: 82a-708a. (a) Any person may apply for a permit to appropriate
2 water to a beneficial use, notwithstanding that the application pertains to
3 the use of water by another, or upon or in connection with the lands of
4 another. Any rights to the beneficial use of water perfected under such
5 application shall attach to the lands on or in connection with which the
6 water is used and shall remain subject to the control of the owners of the
7 lands as in other cases provided by law.

8 (b) Except as otherwise provided in subsections (d), (e) and (f), each
9 application for a permit to appropriate water, except applications for
10 permits for domestic use, shall be accompanied by an application fee fixed
11 by this section for the appropriate category of acre feet in accordance with
12 the following:

13	Acre Feet.....	Fee
14	0 to 100.....	\$200
15	101 to 320.....	\$300
16	More than 320.....	\$300 + \$20
17		for each additional 100
18		acre feet or any part thereof

19 ~~On and after July 1, 2015, the application fee shall be fixed by this~~
20 ~~section for the appropriate category of acre feet in accordance with the~~
21 ~~following:~~

22	Acre Feet.....	Fee
23	0 to 100.....	\$100
24	101 to 320.....	\$150
25	More than 320.....	\$150 + \$10
26		for each additional 100
27		acre feet or any part thereof

28 **On and after July 1, 2019, the application fee shall be fixed by this**
29 **section for the appropriate category of acre feet in accordance with**
30 **the following:**

31	Acre Feet.....	Fee
32	0 to 100.....	\$100
33	101 to 320.....	\$150
34	More than 320.....	\$150 + \$10
35		for each additional 100
36		acre feet or any part thereof

37 The chief engineer shall render a decision on such permit applications
38 within 150 days of receiving a complete application except when the
39 application cannot be processed due to the standards established in K.A.R.
40 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
41 complete application, the application fee is subject to refund upon request.

42 (c) Except as otherwise provided in subsections (d), (e) and (f), each
43 application for a permit to appropriate water for storage, except

1 applications for permits for domestic use, shall be accompanied by an
2 application fee fixed by this section for the appropriate category of
3 storage-acre feet in accordance with the following:

4	Storage-Acre Feet	Fee
5	0 to 250.....	\$200
6	More than 250.....	\$200 + \$20
7		for each additional 250
8		storage-acre feet or any part thereof

9 ~~On and after July 1, 2015, the application fee shall be fixed by this~~
10 ~~section for the appropriate category of storage-acre feet in accordance with~~
11 ~~the following:~~

12	Storage-Acre Feet	Fee
13	0 to 250.....	\$100
14	More than 250.....	\$100 + \$10
15		for each additional 250
16		storage-acre feet or any part thereof

17 **On and after July 1, 2019, the application fee shall be fixed by this**
18 **section for the appropriate category of storage-acre feet in accordance**
19 **with the following:**

20	Storage-Acre Feet.....	Fee
21	0 to 250.....	\$100
22	More than 250.....	\$100 + \$10
23		for each additional 250
24		storage-acre feet or any part thereof

25 The chief engineer shall render a decision on such permit applications
26 within 150 days of receiving a complete application except when the
27 application cannot be processed due to the standards established in K.A.R.
28 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
29 complete application, the application fee is subject to refund upon request.

30 (d) Each application for a term permit pursuant to K.S.A. 2012 Supp.
31 82a-736, and amendments thereto, shall be accompanied by an application
32 fee established by rules and regulations of the chief engineer in an amount
33 not to exceed \$400 for the five-year period covered by the permit.

34 (e) For any application for a permit to appropriate water, except
35 applications for permits for domestic use, which proposes to appropriate
36 by both direct flow and storage, the fee charged shall be the fee under
37 subsection (b) or subsection (c), whichever is larger, but not both fees.

38 (f) Each application for a permit to appropriate water for water power
39 or dewatering purposes shall be accompanied by an application fee of
40 \$100 plus \$200 for each 100 cubic feet per second, or part thereof, of the
41 diversion rate requested in the application for the proposed project.

42 (g) All fees collected by the chief engineer pursuant to this section
43 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and

<p>Each application for a permit to appropriate water for an aqueduct project to transport water from the Missouri river to western Kansas shall be accompanied by an application fee of \$100 plus \$200 for each 100 cubic feet per second, or part thereof, of the diversion rate requested in the application for the proposed project. An additional fee may be assessed to the applicant as additional expenses are incurred by the chief engineer in reviewing such application until the application is approved, except the maximum total fee for an application under this subsection shall not exceed the fee provided by subsection (e).</p> <p>(h)</p>
