

## HOUSE BILL No. 2343

By Committee on Health and Human Services

2-14

1 AN ACT concerning public health; relating to the secretary of health and  
2 environment; office of laboratory services; amending K.S.A. 65-157,  
3 65-1,109a and 75-5608 and repealing the existing sections; also  
4 repealing K.S.A. 75-5607.  
5

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

7 Section 1. K.S.A. 65-157 is hereby amended to read as follows: 65-  
8 157. The analysis of all waters required in the rules and regulations shall  
9 be made by the office of laboratory services of the department of health  
10 and environment and the fees collected under the provisions of this act by  
11 the secretary of health and environment shall be remitted by the secretary  
12 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
13 and amendments thereto. Upon receipt of each such remittance, the state  
14 treasurer shall deposit the entire amount in the state treasury to the credit  
15 of the ~~state general fund~~ *office of laboratory services operating fund*.

16 Sec. 2. K.S.A. 65-1,109a is hereby amended to read as follows: 65-  
17 1,109a. (a) The secretary of health and environment may adopt rules and  
18 regulations establishing: (1) Procedures and qualifications for certification  
19 of laboratories performing analyses required pursuant to K.S.A. 65-161 et  
20 seq., 65-171d, 65-3001 et seq., 65-3401 et seq. or 65-3430 et seq. or  
21 K.S.A. 65-3452a et seq. or 65-34,105 et seq., and amendments thereto; and  
22 (2) a schedule of fees to defray all or part of the costs of administering the  
23 certification program. Such fees shall not be refundable. Failure to pay  
24 assessed fees shall be cause for denial of certification.

25 (b) Any person who violates any provision of the rules and  
26 regulations adopted under this act shall, after notice and hearing in  
27 accordance with the Kansas administrative procedure act, be subject to  
28 suspension, denial or revocation of any certification granted hereunder and  
29 a civil penalty not to exceed \$500. Each day a violation continues shall be  
30 deemed a separate violation.

31 (c) The secretary of health and environment shall remit all moneys  
32 received from fees or penalties pursuant to this section to the state  
33 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
34 amendments thereto. Upon receipt of each such remittance, the state  
35 treasurer shall deposit the entire amount in the state treasury to the credit  
36 of the ~~state general fund~~ *office of laboratory services operating fund*.

1       Sec. 3. K.S.A. 75-5608 is hereby amended to read as follows: 75-  
2 5608. (a) *There is hereby established under the supervision of the*  
3 *secretary of health and environment, an office of laboratory services.* The  
4 office of laboratory services shall provide laboratory information and  
5 perform laboratory tests and experiments as directed by the secretary of  
6 health and environment and shall exercise such other powers, duties and  
7 functions as the secretary of health and environment may direct.

8       (b) *The secretary may adopt rules and regulations for the collection*  
9 *and biological or chemical analysis of samples received by the office of*  
10 *laboratory services. The secretary, by adoption of rules and regulations,*  
11 *may fix fees for any biological or chemical analysis services provided by*  
12 *the office of laboratory services and waive any such fees whenever the*  
13 *secretary finds that waiver is in the interest of protecting the public health*  
14 *and safety.*

15       (c) *Fees collected under this section shall be remitted by the*  
16 *secretary to the state treasurer in accordance with the provisions of K.S.A.*  
17 *75-4215, and amendments thereto. Upon receipt of each such remittance,*  
18 *the state treasurer shall deposit the entire amount in the state treasury to*  
19 *the credit of the office of laboratory services operating fund.*

20       New Sec. 4. (a) There is hereby created in the state treasury the office  
21 of laboratory services operating fund. Expenditures from the office of  
22 laboratory services operating fund shall be used by the department of  
23 health and environment only for the purposes of operating the office of  
24 laboratory services. All such expenditures from the office of laboratory  
25 services operating fund shall be made in accordance with appropriations  
26 acts upon warrants of the director of accounts and reports issued pursuant  
27 to vouchers approved by the secretary of health and environment or the  
28 secretary's designee.

29       (b) On or before the 10<sup>th</sup> day of each month, the director of accounts  
30 and reports shall transfer from the state general fund to the office of  
31 laboratory services operating fund interest earnings based on:

32       (1) The average daily balance of moneys in the office of laboratory  
33 services operating fund, for the preceding month; and

34       (2) the net earnings rate of the pooled money investment portfolio for  
35 the preceding month.

36       Sec. 5. K.S.A. 65-157, 65-1,109a, 75-5607 and 75-5608 are hereby  
37 repealed.

38       Sec. 6. This act shall take effect and be in force from and after its  
39 publication in the statute book.