

Senate Substitute for HOUSE BILL No. 2059

By Committee on Natural Resources

2-8

Balloon Amendments for
Senate Substitute for HB 2059
Senate Committee on Natural Resources
Prepared by Tamara Lawrence
Office of Revisor of Statutes
March 14, 2016

1 AN ACT concerning the department of agriculture; relating to
2 chemigation; relating to water; relating to applications to appropriate;
3 amending K.S.A. 2015 Supp. 2-3304 and 82a-708a and repealing the
4 existing sections.
5

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

7 Section 1. K.S.A. 2015 Supp. 2-3304 is hereby amended to read as
8 follows: 2-3304. (a) *(1) Except as provided in paragraph (2), any user of*
9 *the chemigation process shall register and obtain a chemigation user's*
10 *permit before using the process.*

11 *(2) A chemigation user's permit shall not be required for a person*
12 *who:*

13 *(A) Only applies liquid fertilizer;*

14 *(B) only uses a surface water storage facility as the point of*
15 *diversion; and*

16 *(C) has obtained a private pesticide applicator certificate pursuant to*
17 *K.S.A. 2-2445a, and amendments thereto.*

18 (b) Registration shall consist of making application on a form
19 supplied by the secretary. Such application shall include, but not be limited
20 to:

21 (1) The name of the persons to whom a permit is to be issued,
22 including an owner or operator of land on which chemigation is to be used;
23 (2) a plan for using anti-pollution devices;

24 (3) a plan for handling tail water or accumulations of water;

25 (4) the number and locations, including a legal description, of
26 wellheads which may be involved in the chemigation process and surface
27 water supply withdrawal points, not to include siphon tubes; and

28 (5) payment of fees.

29 (c) The application fee for a chemigation user's permit shall be ~~\$75~~
30 ~~plus \$15 \$30 per year for each additional point of diversion, except that on~~
31 ~~and after July 1, 2018, a chemigation user's permit shall be \$55 plus \$10~~
32 ~~for each additional point of diversion.~~ A chemigation user's permit may be
33 renewed each year upon making an application, payment of the application
34 fee and completing the report form providing information used in
35 chemigation the previous year.

36 Sec. 2. K.S.A. 2015 Supp. 82a-708a is hereby amended to read as

section for the appropriate category of storage-acre feet in accordance with the following:

	Fee
Storage-Acre Feet	
0 to 250.....	\$100
More than 250.....	\$100 + \$10

for each additional 250

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

(d) Each application for a term permit pursuant to K.S.A. 2015 Supp. 82a-736, and amendments thereto, shall be accompanied by an application fee established by rules and regulations of the chief engineer in an amount not to exceed \$400 for the five-year period covered by the permit.

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

(f) Each application for a permit to appropriate water for water power or dewatering purposes 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.

(g) Each application for a permit to appropriate surface water that otherwise leaves the state, and is for a water transfer project proposed for multiple uses, 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 by the chief engineer if additional expenses are incurred in reviewing an application until such application is approved or denied. The maximum total fee for such application shall not exceed the fee provided in subsection (e). There shall be no deadline for the chief engineer to render a final decision on such application, however the application may be dismissed if the chief engineer has good cause to believe that the applicant is unable to demonstrate that the application is likely to be approvable in a reasonable period of time.

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

Sec. 3. K.S.A. 2015 Supp. 2-3304 and 82a-708a are hereby repealed.

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

(1)

(2) An applicant for a permit to appropriate under this subsection shall submit a work plan with such applicant's application. The work plan shall include milestones for implementing the water transfer project. The chief engineer may conditionally approve such application and work plan and assess progress of the implementation of such work plan.

(3) No application for a permit to appropriate under this subsection shall be submitted prior to December 1, 2016.

(4)

:(A)

; or (B) determines that such applicant cannot successfully meet the milestones contained in the work plan