

HOUSE BILL No. 2577

AN ACT concerning the Kansas emergency planning and community right-to-know act; relating to emergency response and planning; creating the Kansas right-to-know fee fund; fee restrictions; secretary of health and environment, rules and regulations; amending K.S.A. 65-5704 and 65-5725 and repealing the existing sections.

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

New Section 1. (a) There is hereby created in the state treasury the Kansas right-to-know fee fund, which shall be administered by the secretary of health and environment. All moneys received pursuant to K.S.A. 65-5704, and amendments thereto, shall be deposited into the Kansas right-to-know fee fund.

(b) All expenditures from the Kansas right-to-know fee fund shall be used by the secretary of health and environment to:

- (1) Administer the Kansas right-to-know program;
- (2) provide and maintain the reporting system necessary to comply with K.S.A. 65-5704, and amendments thereto; and
- (3) provide training to owners or operators of Kansas facilities, Kansas first responders and Kansas emergency management officials on the existence, access and use of the reporting system established pursuant to the Kansas emergency planning and community right-to-know act.

(c) All expenditures from the Kansas right-to-know fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

Sec. 2. K.S.A. 65-5704 is hereby amended to read as follows: 65-5704.

(a) The secretary of health and environment shall:

~~(a)(1) Provide support for the oversight and administrative activities of the commission;~~

~~(b)~~—Receive, process and manage hazardous chemical information required to be submitted and notifications required to be given pursuant to the federal act;

~~(c)~~(2) establish a list of Kansas reportable chemicals which shall also be subject to the requirements of sections 311 and 312 of the federal act;

~~(d)~~(3) designate threshold planning quantities and reportable quantities for any chemical designated for listing as reportable in Kansas. For purposes of reporting in Kansas, the secretary may establish more stringent reporting thresholds for those chemicals required to be reported under the federal act. Chemicals shall be designated and reporting thresholds established after public notice and hearing, based upon concern for the hazards such chemicals may represent in Kansas; and

~~(e)~~(4) adopt such rules and regulations as necessary to implement the provisions of the federal act and the secretary's duties under this section, including provisions for protection of trade secrets and for public disclosure of information consistent with sections 322, 323 and 324 of the federal act. Such rules and regulations may establish fees to cover all or part of the total cost of operation of the program. *Such fees shall not exceed the maximum fees prescribed in subsection (b). The secretary shall reduce the fees by adopting rules and regulations under this section whenever the secretary determines that the fees are yielding more revenue than is necessary for the purposes described in section 1(b), and amendments thereto. The secretary may increase the fees by adopting rules and regulations under this section when the secretary finds that such increase is necessary to produce sufficient revenues for the purposes described in section 1(b), and amendments thereto, except that the fees shall not be increased in excess of the total cost of operation of the program.*

(b) (1) *The maximum fees allowable under this section shall be determined as follows:*

(A) *Fees on the total maximum daily reportable quantity of extremely hazardous substances listed on the Kansas tier II form shall be:*

Sum of the maximum daily amounts of all extremely hazardous substances reported (pounds)

	Annual Fee
1 - 9,999	\$25
10,000 - 999,999	\$50
1,000,000 or greater	\$150

(B) Fees on the total maximum daily reportable quantity of hazardous chemicals listed on the Kansas tier II form shall be:

Sum of the maximum daily amounts of all hazardous chemicals reported (pounds)

	Annual Fee
10,000 - 99,999	\$25
100,000 - 999,999	\$50
1,000,000 - 9,999,999	\$150
10,000,000 or greater	\$300

(C) Fees payable on the total quantity of chemicals released reported on the federal form R shall be:

Sum of the total chemical releases reported (pounds)

	Annual Fee
100 - 19,999	\$250
20,000 - 99,999	\$700
100,000 - 999,999	\$1,700
1,000,000 or greater	\$3,000

(D) Each owner or operator subject to the fees prescribed in this section shall not be assessed an annual report fee in total greater than \$3,000 during any single report year, excluding late fees.

(2) The secretary shall remit all moneys received from fees collected pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the Kansas right-to-know fee fund.

Sec. 3. K.S.A. 65-5725 is hereby amended to read as follows: 65-5725.

(a) Except as otherwise provided by this order, all of the powers, duties, and functions of the secretary of health and environment relating to provision of support for the oversight and administrative activities of the ~~state commission on emergency planning and response commission as provided in K.S.A. 65-5704(a), and amendments thereto,~~ are hereby transferred to and conferred and imposed upon the adjutant general.

(b) Except as otherwise provided by this order, whenever the words “secretary of health and environment” or words of like effect are referred to or designated by a statute, rule and regulation, contract or other document in connection with the powers, duties, and functions transferred from the secretary of health and environment to the adjutant general by this order, the reference or designation shall be deemed to apply to the adjutant general.

Sec. 4. K.S.A. 65-5704 and 65-5725 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.