

## Kansas Emergency Planning and Community Right-to-Know Act; HB 2577

**HB 2577** requires all fees collected by the Right-to-Know Program (Program) within the Kansas Department of Health and Environment to be deposited into the State Treasury and credited to the Kansas Right-to-Know Fee Fund (Fund), which is created by the bill. Before this bill, these fees were deposited in the State General Fund. Expenditures from the Fund will be used for the administration of the Program, to provide and maintain the reporting system as necessary to comply with KSA 65-5704 (duties of the Secretary of Health and Environment regarding emergency planning and the Program), and to provide training to the 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.

The bill establishes statutory maximum fees for the Program, as follows in the following table.

<b>Sum of the Maximum Daily Amounts of all Extremely Hazardous Substances reported (in pounds) on the Kansas Tier II Form</b>	<b>Annual Fee</b>
1-9,999	\$25
10,000-999,999	\$50
1.0 million or greater	\$150
<b>Sum of the Maximum Daily Amounts of all Hazardous Chemicals reported (in pounds) on the Kansas Tier II Form</b>	<b>Annual Fee</b>
10,000-99,999	\$25
100,000-999,999	\$50
1.0 million-9,999,999	\$150
10.0 million or greater	\$300
<b>Sum of the Total Chemical Releases reported (in pounds) on the Federal Form R</b>	<b>Annual Fee</b>
100-19,999	\$250
20,000-99,999	\$700
100,000-999,999	\$1,700
1.0 million or greater	\$3,000

The bill also gives the Secretary of Health and Environment (Secretary) the authority to reduce the fees by adopting administrative rules and regulations if the Secretary determines such fees are yielding more than is necessary for the purposes of the Program outlined in the bill. In addition, the bill gives authority to the Secretary to increase the fees by adopting administrative rules and regulations if the Secretary finds an increase is necessary to produce

sufficient revenue for purposes of the Program. The bill prohibits fee increases in excess of the total cost of operation of the Program.