

HOUSE BILL No. 2001

AN ACT concerning agriculture; relating to environmental remediation; extending the sunset date for the remediation linked deposit loan program, the remediation reimbursement program and the Kansas agricultural remediation fund; amending annual assessment rates; amending K.S.A. 2-3712 and K.S.A. 2018 Supp. 2-3713 and 2-3714 and repealing the existing sections.

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

Section 1. K.S.A. 2-3712 is hereby amended to read as follows: 2-3712. (a) ~~Whenever on April 1 of any year~~ *If the unobligated principal balance of the Kansas agricultural remediation fund equals or exceeds \$5,000,000, \$3,000,000 on April 1 of any year, the assessments imposed by K.S.A. 2-3713, and amendments thereto, shall not be levied on or after the next July 1. ~~Whenever on April 1 of any year thereafter~~ *If the unobligated principal balance of the fund equals \$1,500,000 \$1,000,000 or less; on April 1 of any following year, the assessments imposed by K.S.A. 2-3713, and amendments thereto, shall again be levied on and after the next July 1.**

(b) The director of accounts and reports, not later than April 5 of each year, shall notify the board of the amount of the unobligated balance of the fund on April 1 of such year. Upon receipt of the notice, the board shall notify the secretary of agriculture, who shall notify fee payers under K.S.A. 2-3713, and amendments thereto, if the levy of assessments under that section will terminate or recommence on the following July 1.

Sec. 2. K.S.A. 2018 Supp. 2-3713 is hereby amended to read as follows: 2-3713. (a) Subject to the provisions of K.S.A. 2-3712, and amendments thereto, there is hereby imposed environmental assessments as follows:

(1) An annual assessment of \$100 to be paid by each custom blender required to be licensed pursuant to K.S.A. 2-1201a, and amendments thereto. Such assessment shall be paid to the secretary of agriculture by the custom blender at the time and in the manner provided by law for payment of the custom blender's license fee.

(2) An annual assessment of ~~\$20~~ \$40 for each commercial fertilizer required to be registered pursuant to K.S.A. 2-1202, and amendments thereto. Such assessment shall be paid to the secretary of agriculture by the applicant for registration at the time and in the manner provided by law for payment of the registration fee for the commercial fertilizer.

(3) An annual assessment of ~~\$60~~ \$30 for each agricultural chemical required to be registered pursuant to K.S.A. 2-2204, and amendments thereto, other than an agricultural chemical classified as an antimicrobial pesticide, as defined by 7 U.S.C. § 136(mm). Such assessment shall be paid to the secretary of agriculture by the applicant for registration at the time and in the manner provided by law for payment of the registration fee for the agricultural chemical.

(4) An annual assessment to be paid by each pesticide dealer required to be registered pursuant to K.S.A. 2-2469, and amendments thereto. If the annual sales of pesticides from the previous year by a pesticide dealer from a business location are less than \$2,500, the annual assessment shall be \$5. If the annual sales of pesticides from the previous year by a pesticide dealer from a business location are equal to or greater than \$2,500, the annual assessment shall be \$80. Such assessment shall be paid to the secretary of agriculture by the pesticide dealer at the time and in the manner provided by law for payment of the dealer's registration fee.

(5) An annual assessment of ~~\$.0005~~ \$.00025 per bushel of storage capacity of each public warehouse required to be licensed pursuant to K.S.A. 34-228, and amendments thereto, or pursuant to the federal warehouse act. Such assessment shall be paid to the secretary of agriculture by the applicant for licensure at the time and in the manner provided by law for payment of the warehouse license fee.

(6) An annual assessment of ~~\$.0005~~ \$.00025 per bushel of storage capacity of each public warehouse in this state that is licensed pursuant to the United States warehouse act. Such assessment shall be paid to

the secretary of agriculture by the licensee on or before August 31 of each year.

(7) An annual assessment of \$1,000 to be paid by the responsible party for a site that has been sold or leased but where the seller or lessor still retains responsibility for cleaning up the site. Such assessment shall be paid to the secretary of agriculture by the responsible party on or before September 30 of each year.

(b) The secretary of agriculture shall remit to the state treasurer all moneys collected by the secretary from assessments paid pursuant to this section. The state treasurer shall deposit the entire amount of the remittance in the state treasury and credit it to the fund.

(c) The secretary of agriculture shall adopt rules and regulations establishing procedures for payment and collection of all environmental assessments.

(d) The secretary of agriculture shall have the authority to reimburse or refund a person if an error occurred in the payment of an assessment.

(e) For a remediated site to be eligible for reimbursement under subsection (b)(1) of K.S.A. 2-3708(b), and amendments thereto, all applicable environmental assessments must be paid for such site.

Sec. 3. K.S.A. 2018 Supp. 2-3714 is hereby amended to read as follows: 2-3714. On July 1, ~~2020~~ 2030, the remediation linked deposit loan program, the remediation reimbursement program and the fund are hereby abolished.

Sec. 4. K.S.A. 2-3712 and K.S.A. 2018 Supp. 2-3713 and 2-3714 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 passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE

President of the Senate.

Secretary of the Senate.

APPROVED

Governor.