

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **SB 114**, As Amended by Senate Committee, on page 1, following line 6, by inserting:

"New Section 1. (a) As used in sections 1 and 2, and amendments thereto:

(1) "Advanced recycling," "advanced recycling facility" and "secretary" mean the same as defined in K.S.A. 65-3402, and amendments thereto.

(2) "Financial responsibility mechanism" means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste management facilities and advanced recycling facilities. "Financial responsibility mechanism" includes, but is not limited to, insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests and corporate guarantees as determined by the secretary.

(b) The secretary shall establish a system of permits for advanced recycling facilities. Such permits shall be issued for a period of one year and shall require an application fee established by the secretary in an amount not exceeding \$250 per year.

(c) (1) An advanced recycling facility shall demonstrate financial responsibility prior to being issued a permit for the advanced recycling facility or prior to the advanced recycling facility being placed in operation. To demonstrate financial responsibility, the advanced recycling facility shall utilize a financial responsibility mechanism by:

(A) Establishing a cash trust fund under the control of the secretary; or

(B) obtaining a surety bond of which the secretary is the sole beneficiary.

(2) Any such financial responsibility mechanism utilized pursuant to this section shall be sufficient in form and amount not to exceed \$250,000 to meet all reasonably foreseeable costs of clean up, environmental remediation, firefighting, groundwater or surface water contamination, private property contamination, public health impacts, displacement and relocation of affected persons and any other reasonably foreseeable costs associated with the operation and management or abandonment of any pyrolysis and gasification facilities, including, but not limited to, the operation and storage of post-use polymer, plastic polymer or incidental contaminants or impurities.

(d) No person shall own or operate an advanced recycling facility unless such person holds a valid permit issued pursuant to this section.

(e) The secretary shall adopt rules and regulations:

(1) Establishing standards for advanced recycling facilities; and

(2) as necessary to administer and enforce the provisions of sections 1 and 2, and amendments thereto.

New Sec. 2. (a) There is hereby established in the state treasury the advanced recycling management fund.

(b) Money from the following sources shall be credited to the advanced recycling management fund:

(1) Permit application and renewal fees provided for by section 1, and amendments thereto;

(2) interest provided for by subsection (e);

(3) additional sources of funding, including, but not limited to, reimbursements and appropriations intended to be used for the purposes of the fund; and

(4) any other moneys provided by law.

(c) Moneys in the advanced recycling management fund shall be used only for the purpose of paying compensation and other expenses of employing personnel to carry out the duties of the secretary pursuant to section 1, and amendments thereto.

(d) All expenditures from the advanced recycling management 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.

(e) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the advanced recycling management fund interest earnings based on: (1) The average daily balance of moneys in the advanced recycling management fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "authorizing the secretary of health and environment to regulate advanced recycling facilities; establishing the advanced recycling management fund;"

Senator _____