

HOUSE BILL No. 2477

By Representative Rahjes

11-28

1 AN ACT concerning agriculture; relating to environmental remediation;
2 increasing the maximum reimbursement from the Kansas agricultural
3 remediation fund from \$200,000 to \$300,000 for an eligible person ~~and~~
4 ~~from \$400,000 to \$600,000 when both a buyer and a seller or a lessee~~
5 ~~and a lessor are responsible for remediation~~; increasing the amount
6 available to the Kansas agricultural remediation board for
7 administrative overhead expenses from \$150,000 to \$175,000;
8 amending K.S.A. 2-3708 and 2-3710 and repealing the existing
9 sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2-3708 is hereby amended to read as follows: 2-
13 3708. (a) There is hereby established the remediation reimbursement
14 program. The program shall be for the purpose of:

15 (1) Providing reimbursement to eligible persons for the costs of
16 corrective action approved by the department of health and environment or
17 taken in accordance with requests or orders issued by the department of
18 health and environment; and

19 (2) providing funding to the Kansas pesticide waste disposal program
20 in accordance with K.S.A. 2-3716, and amendments thereto.

21 (b) The amount of reimbursement that an eligible person may receive
22 from the fund shall be limited as follows:

23 (1) Except as provided in paragraph (2), ~~for~~ an eligible person who
24 has paid all applicable assessments imposed pursuant to K.S.A. 2-3713,
25 and amendments thereto, *may receive* reimbursement per site *as provided*
26 *herein and evidenced by receipts for any eligible corrective action costs,*
27 *but the total reimbursement* shall not exceed *\$300,000. If an eligible*
28 *person has paid at least \$2,000 for eligible corrective action costs at a*
29 *site, such person may receive reimbursement in* an amount equal to: (A)
30 90% of total eligible corrective action costs greater than ~~\$1,000 and less~~
31 ~~than or equal to \$2,000 until such person has received~~ \$100,000; plus (B)
32 *additional reimbursement in an amount equal to* 80% of *additional* total
33 eligible corrective action costs ~~greater than \$100,000 and less than or~~
34 ~~equal to \$200,000 \$300,000 until such person has received an additional~~
35 *\$200,000 in reimbursement*. The total amount reimbursed for any one site
36 shall not exceed ~~\$200,000 within a five-year period or as otherwise set~~

1 ~~forth by the board \$300,000, except that the Kansas agricultural~~
2 ~~remediation board may, pursuant to rules and regulations, unless set forth~~
3 ~~a different amount that is less than or equal to \$300,000. If the property~~
4 ~~has been sold or leased and both the buyer and the seller or the lessee and~~
5 ~~the lessor are responsible for remediation, in which case then the total~~
6 ~~amount reimbursed for any such site shall not exceed \$400,000 within a~~
7 ~~five-year period or as otherwise set forth by the board \$600,000, except~~
8 ~~that the Kansas agricultural remediation board may, pursuant to rules and~~
9 ~~regulations, set forth a different amount that is less than or equal to~~
10 ~~\$600,000.~~

11 (2) For an eligible person who is not required to pay or has not paid
12 any assessment imposed pursuant to K.S.A. 2-3713, and amendments
13 thereto, or for a pesticide dealer who has paid the annual \$5 assessment
14 pursuant to K.S.A. 2-3713(a)(4), and amendments thereto, reimbursement
15 per site shall not exceed an amount equal to 100% of total eligible
16 corrective action costs greater than \$1,000 and less than or equal to
17 \$10,000.

18 Sec. 2. K.S.A. 2-3710 is hereby amended to read as follows: 2-3710.
19 The *Kansas agricultural remediation* board shall have the following
20 powers, duties and functions:

21 (a) Administer the fund and the remediation reimbursement program.

22 (b) Subject to K.S.A. 2-3701 through 2-3714, and amendments
23 thereto, adopt rules and regulations concerning the terms and conditions of
24 any reimbursements from the fund.

25 (c) Adopt rules and regulations establishing, for purposes of the
26 remediation linked deposit loan program and the remediation
27 reimbursement program, criteria for classification and prioritization of
28 properties where contamination was caused by a release of agricultural or
29 specialty chemicals, or both. Classification and prioritization may account
30 for the criteria contained in Kansas department of health and
31 environment's voluntary clean up and property redevelopment program
32 and state cooperator program.

33 (d) Establish operating standards and procedures ~~which~~ that shall
34 include, but not be limited to, the following:

35 (1) With respect to the remediation linked deposit loan program,
36 provisions governing board approval of projects for which applications for
37 loans may be made;

38 (2) with respect to the remediation reimbursement program,
39 provisions governing application procedures, determination of eligible
40 corrective action costs, determination of ineligible corrective costs and
41 reimbursement or payment of eligible corrective action costs; and

42 (3) with respect to both programs, provisions governing conflicts of
43 interest, appeals procedures, review and priority determinations and

1 enforcement of the provisions of K.S.A. 2-3701 through 2-3714, and
2 amendments thereto.

3 (e) Appoint or contract for qualified administrative services subject to
4 the limitation that expenditures from the fund for the administrative
5 expenses of the board and the programs established by K.S.A. 2-3701
6 through 2-3714, and amendments thereto, shall not exceed ~~—\$150,000—~~
7 *\$175,000* in any fiscal year.

8 (f) Annually provide an independent audit of the fund.

9 (g) On or before February 1 of each year, submit to the governor, the
10 senate standing committee on ~~energy~~ *agriculture* and natural resources *or*
11 *any successor committee* and the house standing committee on
12 ~~environment~~ *agriculture and natural resources or any successor*
13 *committee* an annual report of the activities and reimbursements for which
14 money from the fund has been expended during the previous fiscal year,
15 including a copy of the independent audit.

16 Sec. 3. K.S.A. 2-3708 and 2-3710 are hereby repealed.

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