

HOUSE BILL No. 2134

By Committee on Agriculture

1-23

1 AN ACT concerning agriculture; relating to the Kansas department of
2 agriculture; certain fees; amending K.S.A. 2016 Supp. 2-1205, 2-2204,
3 2-2212, 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-2464a, 2-2469, 2-3304,
4 2-3306, 82a-303b, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-
5 727 and repealing the existing sections.

6

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

8 Section 1. K.S.A. 2016 Supp. 2-1205 is hereby amended to read as
9 follows: 2-1205. An inspection fee shall be collected upon all commercial
10 fertilizers sold, offered or exposed for sale, or distributed in Kansas, which
11 shall be at a rate per ton ~~of 2,000 pounds~~ fixed by rules and regulations
12 adopted by the secretary of agriculture, except that such rate shall not
13 exceed \$1.67 per ton ~~of 2,000 pounds~~. The secretary of agriculture may
14 adopt rules and regulations establishing the inspection fee rate under this
15 section. Each person registering any commercial fertilizer shall pay the
16 inspection fee on such commercial fertilizer sold, offered or exposed for
17 sale, or distributed in Kansas. Each such person shall keep adequate
18 records showing the tonnage of each commercial fertilizer shipped to or
19 sold, offered or exposed for sale, or distributed in Kansas. The secretary,
20 and duly authorized representatives of the secretary, shall have authority to
21 examine such records and other pertinent records necessary to verify the
22 statement of tonnage.

23 Each person registering any commercial fertilizer shall file an affidavit
24 semiannually, with the secretary, within 30 days after each January 1 and
25 each July 1, showing the tonnage of commercial fertilizer sold or
26 distributed in Kansas for the preceding six-month period. Each such
27 person shall pay to the secretary the inspection fee due for such six-month
28 period, except that the registrant shall not be required to pay the inspection
29 fee or report the tonnage of commercial fertilizers or fertilizer materials
30 sold and shipped directly to fertilizer manufacturers or mixers. The
31 fertilizer manufacturers or mixers shall keep adequate records of the
32 commercial fertilizers sold or distributed in this state, and report to the
33 secretary the tonnage and pay the inspection fee due. If the affidavit is not
34 filed and the inspection fee is not paid within the 30-day period, or if the
35 report of tonnage is false, the secretary may revoke the registrations filed
36 by such person. If the affidavit is not filed and the inspection fee is not

1 paid within the 30-day period, or any extension thereof granted by the
2 secretary, a penalty of \$10 per day shall be assessed against the registrant,
3 except that on and after July 1, ~~2015~~ 2025, a penalty of \$5 per day shall be
4 assessed against the registrant, and the inspection fee and penalty shall
5 constitute a debt and become the basis for a judgment against such person.
6 The secretary may grant a reasonable extension of time.

7 The secretary of agriculture is hereby authorized and empowered to
8 reduce the inspection fee by adopting rules and regulations under this
9 section whenever the secretary determines that the inspection fee is
10 yielding more than is necessary for the purpose of administering the
11 provisions of this act as listed below and the plant pest act. The secretary is
12 hereby authorized and empowered to increase the inspection fee by
13 adopting rules and regulations under this section when it finds that such is
14 necessary to produce sufficient revenues for the purposes of administering
15 the provisions of this act, except that the inspection fee shall not be
16 increased in excess of the maximum fee prescribed by this section. *The*
17 *secretary may charge and collect an amount necessary for the purpose of*
18 *administering the provisions of this act. Such amount shall not exceed the*
19 *cost for administering this act and shall be collected from the fee imposed*
20 *herein, prior to any other remittance by the secretary.* The secretary shall
21 remit ~~all~~ the remaining moneys received by or for the secretary under
22 article 12 of chapter 2 of Kansas Statutes Annotated, and amendments
23 thereto, to the state treasurer in accordance with the provisions of K.S.A.
24 75-4215, and amendments thereto. Upon receipt of each such remittance,
25 the state treasurer shall deposit the entire amount in the state treasury and
26 shall credit such remittance as follows: ~~(1) An amount equal to \$1.40~~ (a)
27 *84% of such amount collected* per ton shall be credited to the state water
28 plan fund created by K.S.A. 82a-951, and amendments thereto; ~~(2) an~~
29 ~~amount equal to \$.04~~ (b) *2.5% of such amount collected* per ton shall be
30 credited to the fertilizer research fund; and ~~(3) the remainder~~ (c) *13.5% of*
31 *such amount collected* shall be credited to the fertilizer fee fund *to be used*
32 *for carrying out the provisions of this act.* All expenditures from the
33 fertilizer fee fund shall be made in accordance with appropriation acts
34 upon warrants of the director of accounts and reports issued pursuant to
35 vouchers approved by the secretary of agriculture or by a person or
36 persons designated by the secretary.

37 Sec. 2. K.S.A. 2016 Supp. 2-2204 is hereby amended to read as
38 follows: 2-2204. (a) Every agricultural chemical which is distributed, sold
39 or offered for sale within this state or delivered for transportation or
40 transported in intrastate commerce or between points within this state
41 through any point outside this state shall be registered by the secretary.
42 The secretary shall have the authority to classify or designate as restricted-
43 use any pesticide registered for sale, use or distribution in the state of

1 Kansas, according to rules and regulations promulgated by the secretary.
2 The secretary may adopt rules and regulations to allow products to be
3 registered for a period not to exceed three years. All registration of
4 products shall expire on December 31 of the year the registration is set to
5 expire, unless such registration shall be renewed, in which event expiration
6 date shall be extended for each year of renewal registration, or until
7 otherwise terminated. Products which have the same formula, and are
8 manufactured by the same person, the labeling of which contains the same
9 claims, and the labels of which bear a designation identifying the product
10 as the same agricultural chemical may be registered as a single product
11 and additional names and labels shall be added by supplement statements
12 during the current period of registration. Within the discretion of the
13 secretary, or an authorized representative of the secretary, a change in the
14 labeling or formulas of an agricultural chemical may be made within the
15 current period of registration without requiring a reregistration of the
16 product. Any agricultural chemical imported into this state which is subject
17 to the provisions of any federal act providing for the registration and
18 which has been duly registered under the provisions of such federal act, in
19 the discretion of the secretary, may be exempted from registration under
20 this act when such agricultural chemical is sold or distributed in the
21 unbroken immediate container in which such agricultural chemical was
22 originally shipped.

23 (b) The registrant shall file with the secretary, a statement including:
24 (1) The name and address of the registrant and the name and address of the
25 person whose name will appear on the label if other than the registrant; (2)
26 the name of the agricultural chemical; (3) a complete copy of the labeling
27 accompanying the agricultural chemical and a statement of all claims
28 made and to be made for it and a statement of directions for use; and (4) if
29 requested by the secretary, or an authorized representative of the secretary,
30 a full description of the tests made and the results thereof upon which the
31 claims are based.

32 (c) The secretary may require the registrant to submit a copy of the
33 product label registered by the EPA under the provisions of FIFRA.

34 (d) Any time the registrant modifies the label, the modified label shall
35 be submitted to the secretary for review and approval prior to
36 implementing the new label in Kansas.

37 (e) On the date of registration, the registrant shall pay a fee fixed by
38 rules and regulations adopted by the secretary of agriculture. Such fee
39 shall equal an amount per registered agricultural chemical, not to exceed
40 \$150 per year. ~~Such fee shall be deposited in the state treasury and credited~~
41 ~~as follows:~~ *The secretary may charge and collect an amount necessary for*
42 *the purpose of administering the provisions of this act. Such amount shall*
43 *not exceed the cost for administering this act and shall be collected from*

1 *the fee imposed herein, prior to any other remittance by the secretary. The*
2 *secretary shall remit the remaining moneys received by or for the*
3 *secretary in accordance with the provisions of K.S.A. 2-2212, and*
4 *amendments thereto, to the state treasurer. Upon receipt of each such*
5 *remittance, the state treasurer shall deposit the amount in the state*
6 *treasury and shall credit such remittance as follows: (1) ~~An amount equal~~*
7 *to \$100 For each year of registration, 67% of such amount shall be*
8 *credited to the state water plan fund created by K.S.A. 82a-951, and*
9 *amendments thereto; and (2) ~~the remainder~~ 33% of such amount shall be*
10 *credited to the agricultural chemical fee fund to be used for carrying out*
11 *the provisions of this act. The annual fee for each agricultural chemical*
12 *registered which is in effect on the day preceding the effective date of this*
13 *act shall continue in effect until the secretary of agriculture adopts rules*
14 *and regulations fixing a different fee therefor under this subsection. The*
15 *secretary of agriculture is hereby authorized and empowered, whenever it*
16 *determines that the fee imposed by this subsection and paid into the state*
17 *treasury as provided by law is yielding more revenue than is required for*
18 *the purposes to which such fee is devoted by law, to reduce the fee*
19 *imposed by this subsection for such period as the secretary shall deem*
20 *justified by adopting rules and regulations under this subsection but not for*
21 *less than one year. In the event that the secretary, after reducing such fee,*
22 *finds that sufficient revenues are not being produced by such reduced fee,*
23 *the secretary is authorized and empowered by adopting rules and*
24 *regulations under this subsection, to restore in full or in part such fee to an*
25 *amount which, in the judgment of the secretary, will produce sufficient*
26 *revenues for the purposes as provided in this section, but not exceeding the*
27 *maximum amount of the fee imposed by this subsection.*

28 (f) The secretary, or an authorized representative of the secretary,
29 whenever it is deemed essential in the administration of this act, may
30 require the submission of the complete formula or any other data in
31 support of the registration for any pesticide. The complete formula and any
32 other trade secrets submitted to support the registration application shall be
33 considered as confidential. If it appears to the secretary, or an authorized
34 representative of the secretary, that the composition of the product is such
35 as to warrant the proposed claims for the product and if the product and its
36 labeling and other material required to be submitted comply with the
37 requirements of this act, the secretary shall register the product.

38 (g) If it does not appear to the secretary, or an authorized
39 representative of the secretary, that the product is such as to warrant the
40 proposed claims for it or if the product and its labeling and other material
41 required to be submitted do not comply with the provisions of this act, the
42 secretary shall notify the registrant of the manner in which the product,
43 labeling, or other material required to be submitted fail to comply with the

1 act and rules and regulations adopted pursuant thereto so as to afford the
2 registrant an opportunity to make the necessary corrections. If, upon
3 receipt of such notice, the registrant does not make the required changes
4 within 30 days, the secretary may deny registration of the product. In
5 addition, the secretary may deny registration of a product if the application
6 for registration fails to comply with this act or any rule or regulation
7 adopted pursuant thereto. If the secretary denies a registration, the
8 registrant may request a hearing in accordance with the provisions of the
9 Kansas administrative procedure act.

10 (h) Any pesticide registration canceled or suspended under the
11 provisions of FIFRA shall be considered to be canceled or suspended
12 under provisions of the agricultural chemical act of 1947, unless such
13 cancellation is due to the nonpayment of registration fees required under
14 FIFRA.

15 (i) If the secretary determines that a registered product fails to meet
16 the claims made on its label, the secretary may suspend or revoke the
17 product registration after a hearing in accordance with the provisions of
18 the Kansas administrative procedure act. In addition, if the secretary
19 determines that a registered product or its labeling fails to comply with this
20 act, or a rule or regulation adopted pursuant to this act, the secretary may
21 suspend or revoke the product registration after a hearing in accordance
22 with the provisions of the Kansas administrative procedure act.

23 (j) In order to protect the public, the secretary, or a duly authorized
24 representative of the secretary, on the secretary's own motion, may at any
25 time, after written notice to the registrant, suspend or revoke the
26 registration of an agricultural chemical. Any person so notified shall be
27 given an opportunity for a hearing in accordance with the provisions of the
28 Kansas administrative procedure act with regard to the secretary's
29 contemplated action, before any registration is suspended or revoked.

30 (k) Notwithstanding any other provisions of this act, registration is
31 not required in the case of an agricultural chemical shipped from one plant
32 within this state to another plant within this state operated by the same
33 person.

34 (l) Any information required to be filed pursuant to this section, may
35 be filed electronically pursuant to rules and regulations promulgated by the
36 secretary.

37 Sec. 3. K.S.A. 2016 Supp. 2-2212 is hereby amended to read as
38 follows: 2-2212. *Except as otherwise provided in K.S.A. 2-2204(e), and*
39 *amendments thereto*, the secretary shall remit all moneys received by or
40 for the secretary under article 22 of chapter 2 of the Kansas Statutes
41 Annotated, and amendments thereto, to the state treasurer in accordance
42 with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
43 remittance, the state treasurer shall deposit the entire amount in the state

1 treasury to the credit of the agricultural chemical fee fund. All
2 expenditures from such fund shall be made in accordance with
3 appropriation acts upon warrants of the director of accounts and reports
4 issued pursuant to vouchers approved by the secretary of agriculture or by
5 a person or persons designated by the secretary.

6 Sec. 4. K.S.A. 2016 Supp. 2-2440 is hereby amended to read as
7 follows: 2-2440. (a) Subject to the provisions of subsection (d), it is
8 unlawful for any pesticide business which has not been issued a pesticide
9 business license to:

10 (1) Advertise, offer for sale, sell or perform any service for the
11 control of a pest on the property of another or apply a pesticide to the
12 property of another within this state; or

13 (2) perform any service for the control of a pest or apply any
14 pesticide on or at the premises of another person under any commission,
15 division of receipts or subcontracting arrangement with a licensed
16 pesticide business.

17 Nothing in this subsection shall be construed to require the licensing of
18 any person applying restricted use pesticides to the property of another as
19 a certified private applicator or under the supervision of a certified private
20 applicator.

21 (b) Application for a pesticide business license or renewal shall be
22 made on a form obtained from the secretary and shall be accompanied by
23 an application fee per category in which the licensee applies, and an
24 additional fee for each uncertified individual employed by the applicant to
25 apply pesticides. The application fee per category shall be \$140 per
26 category in which the licensee applies, except that on and after July 1,
27 ~~2018~~ 2025, the application fee per category shall be \$112 per category in
28 which the licensee applies. An additional fee of \$15 shall be paid for each
29 uncertified individual employed by the applicant to apply pesticides,
30 except that on and after July 1, ~~2018~~ 2025, an additional fee of \$10 shall
31 be paid for each uncertified individual employed by the applicant to apply
32 pesticides. The application fee per category and the additional fee for each
33 uncertified employee in effect on the day preceding the effective date of
34 this act shall continue in effect until the secretary adopts rules and
35 regulations fixing a different fee under this subsection. Any uncertified
36 individual employed for a period of more than 10 days in a 30-day period
37 or for five consecutive days by a licensee to apply pesticides subsequent to
38 such application shall be reported to the secretary within 30 days of such
39 employee's hiring and the fee shall be paid at that time. Each application
40 shall also include the following:

41 (1) The business name of the person applying for such license or
42 renewal;

43 (2) if the applicant is an individual, receiver, trustee, representative,

1 agent, firm, partnership, association, corporation or other organized group
2 of persons, whether or not incorporated, the full name of each owner of the
3 firm or partnership or the names of the officers of the association,
4 corporation or group;

5 (3) the principal business address of the applicant in the state and
6 elsewhere; and

7 (4) any other information the secretary, by rules and regulations,
8 deems necessary for the administration of this act.

9 (c) The secretary may issue a pesticide business license to apply
10 pesticides in categories for which an applicant has applied if the applicant
11 files the bond, insurance, letter of credit or proof of an escrow account as
12 required under K.S.A. 2-2448, and amendments thereto, satisfies the
13 requirements of subsection (b), and pays the required fees. Such license
14 shall expire at the end of the calendar year for which it is issued unless it
15 has been revoked or suspended prior thereto. If a license is not issued as
16 applied for, the secretary shall inform the applicant in writing of the
17 reasons therefor.

18 (d) The following persons shall be exempted from the licensing
19 requirements of this act:

20 (1) State or federal personnel using pesticides or pest control services
21 while engaged in pesticide use research;

22 (2) veterinarians or physicians using pesticides as a part of their
23 professional services; and

24 (3) any person or such person's employee who applies pesticides on
25 or at premises owned, leased or operated by such person.

26 (e) Subject to the provisions of subsection (d), it is unlawful for any
27 governmental agency which has not been issued a government agency
28 registration to apply pesticides within this state. Application for
29 government agency registration shall be made on a form obtained from the
30 secretary and shall be accompanied by a fee fixed by rules and regulations
31 adopted by the secretary, except that such fee shall not exceed \$50, except
32 that on and after July 1, ~~2018~~ 2025, such fee shall not exceed \$35. The
33 governmental agency registration fee in effect on the day preceding the
34 effective date of this act shall continue in effect until the secretary adopts
35 rules and regulations fixing a different fee therefor under this subsection.
36 No fee shall be required of any township located within a county which
37 has previously applied for and received government agency registration.
38 Each application for registration shall contain information including, but
39 not limited to:

40 (1) The name of the government agency;

41 (2) the mailing address of the applicant;

42 (3) the name and mailing address of the person who heads such
43 agency and who is authorized to receive correspondence and legal papers.

1 Such person shall be: (A) The mayor or city manager for municipalities;
2 (B) the chairperson of the board of county commissioners for counties; (C)
3 the township trustee for townships; or (D) any person designated by any
4 other governmental agency; and

5 (4) any other information the secretary, by rules and regulations,
6 deems necessary for the administration of this act.

7 (f) If the secretary finds the application to be sufficient, the secretary
8 shall issue a government agency registration. The government agency is
9 not required to furnish a surety bond under this act. Such government
10 agency registration shall expire at the end of the calendar year for which it
11 is issued unless it has been revoked or suspended prior thereto. If a
12 registration is not issued as applied for, the secretary shall inform the
13 applicant in writing of the reasons therefor.

14 (g) A pesticide business license or government agency registration
15 may be renewed by meeting the same requirements as for a new license or
16 registration. Neither the pesticide business license nor the government
17 agency registration shall be transferable, except that, in the event of the
18 disability, incapacity or death of the owner, manager or legal agent of a
19 pesticide business licensee, a permit may be issued by the secretary to
20 permit the operation of such business until the expiration period of the
21 license in effect at the time of such disability, incapacity or death if the
22 applicant therefor can show that the policies and services of such business
23 will continue substantially as before, with due regard to protection of the
24 public and the environment.

25 (h) No pesticide business license may be issued to any person until
26 such person is or has in such person's employ one or more individuals who
27 are certified commercial applicators in each of the categories for which the
28 license application is made.

29 Sec. 5. K.S.A. 2016 Supp. 2-2440b is hereby amended to read as
30 follows: 2-2440b. (a) It shall be unlawful for any pesticide business
31 licensee to apply pesticides for the control of wood destroying pests,
32 structural pests, ornamental pests, turf pests or interior landscape pests
33 unless the applicator of the pesticide is a certified commercial applicator or
34 is a registered pest control technician, except that an uncertified
35 commercial applicator may apply pesticides when either a certified
36 applicator or registered pest control technician is physically present.

37 (b) Any such employee applying for a pest control technician
38 registration shall file an application on a form prescribed by the secretary.
39 Application for such registration shall be accompanied by an application
40 fee established by rules and regulations adopted by the secretary, except
41 that such fee shall not exceed \$40, except that on and after July 1, ~~2018~~
42 2025, such fee shall not exceed \$25, and shall be reduced, but not below
43 zero, by an amount equal to the additional fee paid under ~~subsection (b) of~~

1 K.S.A. 2-2440(b), and amendments thereto, for such uncertified
2 individual.

3 (c) If the secretary finds the applicant qualified to be a registered pest
4 control technician after meeting the training requirements determined by
5 the secretary in rules and regulations, the secretary shall issue a pest
6 control technician registration which will expire at the end of the calendar
7 year.

8 (d) This section shall be part of and supplemental to the Kansas
9 pesticide law.

10 Sec. 6. K.S.A. 2016 Supp. 2-2443a is hereby amended to read as
11 follows: 2-2443a. An applicant for a commercial applicator's certificate
12 shall show upon written examination that the applicant possesses adequate
13 knowledge concerning the proper use and application of pesticides in the
14 categories or subcategories for which the applicant has applied. A
15 commercial applicator who holds a current certificate to apply pesticides
16 commercially in any other state or political subdivision of the United
17 States may be exempted from examination for certification in this state
18 upon approval of the secretary and payment of a \$75 fee per category,
19 unless a fee not to exceed \$75 is established in rules and regulations
20 adopted by the secretary.

21 Applicants shall submit with each application a fee per examination
22 taken, including each category, subcategory and general core examination.
23 The examination fee shall be fixed by rules and regulations adopted by the
24 secretary, except that such fee shall not exceed \$45 per examination,
25 except that on and after July 1, ~~2018~~ 2025, such fee shall not exceed \$35
26 per examination. Applicants who fail to pass the examination may reapply
27 and take another examination upon paying another examination fee, which
28 fee shall be fixed by rules and regulations adopted by the secretary, except
29 that such fee shall not exceed \$45 per examination, except that on and
30 after July 1, ~~2018~~ 2025, such fee shall not exceed \$35 per examination.
31 The general core examination shall include, but is not limited to, the
32 following:

33 (a) The proper use of the equipment.

34 (b) The hazards that may be involved in applying the pesticides,
35 including:

36 (1) The effect of drift of the pesticides on adjacent and nearby lands
37 and other non-target organisms;

38 (2) the proper meteorological conditions for the application of
39 pesticides and the precautions to be taken with such application;

40 (3) the effect of the pesticides on plants or animals in the area,
41 including the possibility of damage to plants or animals or the possibility
42 of illegal pesticide residues resulting on them;

43 (4) the effect of the application of pesticides to wildlife in the area,

1 including aquatic life;

2 (5) the identity and classification of pesticides used and the effects of
3 their application in particular circumstances; and

4 (6) the likelihood of contamination of water or injury to persons,
5 plants, livestock, pollinating insects and vegetation.

6 (c) Calculating the concentration of pesticides to be used.

7 (d) Identification of common pests to be controlled and damages
8 caused by such pests.

9 (e) Protective clothing and respiratory equipment for handling and
10 application of pesticides.

11 (f) General precautions to be followed in the disposal of containers as
12 well as the cleaning and decontamination of the equipment which the
13 applicant proposes to use.

14 (g) Applicable state and federal pesticide laws and regulations.

15 (h) Any other subject which the secretary deems necessary.

16 Sec. 7. K.S.A. 2016 Supp. 2-2445a is hereby amended to read as
17 follows: 2-2445a. In lieu of obtaining a commercial applicator's certificate
18 under the provisions of K.S.A. 2-2441a, and amendments thereto, a private
19 applicator's certificate may be applied for by and issued to individuals
20 using restricted use pesticides for the purpose of producing any
21 agricultural commodity on property owned or rented by the individual or
22 such individual's employer, or on the property of another for no
23 compensation other than the trading of personal services between
24 producers. Such certificates shall expire on the anniversary of the
25 individual's date of birth occurring in the fifth calendar year following the
26 year of issue. No certification shall be required hereunder for individuals
27 operating under the supervision of a certified private applicator.

28 Certified private applicator certificates may be issued to individuals
29 who have paid: (a) A fee fixed by rules and regulations adopted by the
30 secretary, except that on and after July 1, ~~2018~~ 2025, such fee shall not
31 exceed \$10; and (b) who have acquired practical knowledge of pest
32 problems, proper storage, use, handling and disposal of pesticides and
33 pesticide containers, pertinent information found on the pesticide labels,
34 pesticide use safety and environmental considerations, either through
35 Kansas state university extension service educational training or through
36 individual study of educational materials available at county extension
37 offices or the secretary. The certified private applicator certificate fee in
38 effect on the day preceding the effective date of this act shall continue in
39 effect until the secretary adopts rules and regulations fixing a different fee
40 therefor under this section. Individuals shall indicate adequate knowledge
41 of the subjects enumerated herein by passing an open-book examination
42 approved by the secretary.

43 Educational materials and examination blanks shall be made available

1 at county extension offices and at places where extension educational
2 training is conducted. The examinations shall be scored by members of the
3 extension or secretary's staff. If an individual passes the examination by
4 equaling or exceeding a standard authorized by the secretary, a certified
5 private applicator's certificate shall be issued to such individual. Such staff
6 member shall send a copy of the certificate issued, together with the fee, to
7 the secretary.

8 A certified applicator who holds a current certificate to apply pesticides
9 as a certified private applicator in any other state or political subdivision of
10 the United States may be exempted from examination for private
11 applicator certification in this state upon payment of proper fees and
12 approval by the secretary.

13 Sec. 8. K.S.A. 2016 Supp. 2-2469 is hereby amended to read as
14 follows: 2-2469. (a) Each person who is a pesticide dealer shall register
15 with the secretary. Registration shall be required for each business location
16 distributing pesticides and shall be on a form provided by the secretary.
17 Each registration shall expire on June 30 following issuance unless such
18 registration is renewed annually. A registration fee of \$20 shall accompany
19 the application.

20 (b) The provisions of this section shall not apply to a licensed
21 pesticide business which sells pesticides only as an integral part of such
22 business' pesticide application service when the pesticides are dispensed
23 only through equipment used for this pesticide application, nor to the sale
24 of general use pesticides purchased for household use only, nor to any
25 federal, state, county or municipal agency which provides pesticides only
26 for its own programs nor to any individual who is the final purchaser of a
27 pesticide for application to property or property rights owned, leased, or
28 otherwise acquired by such person.

29 (c) Each registered pesticide dealer is responsible for the acts of each
30 individual employed by such dealer in the solicitation and sale of
31 pesticides and for all claims and recommendations for use of pesticides
32 made by such employees. The dealer's registration shall be subject to
33 denial, suspension, or revocation after notice and opportunity for a hearing
34 are given in accordance with the provisions of the Kansas administrative
35 procedure act for any violation of this act whether committed by the dealer
36 or by the dealer's officers, agents or employees.

37 (d) *The secretary may charge and collect an amount necessary for*
38 *the purpose of administering the provisions of this act. Such amount shall*
39 *not exceed the cost for administering this act and shall be collected from*
40 *the fee imposed herein, prior to any other remittance by the secretary. All*
41 *fees remaining moneys* received under this section shall be remitted to the
42 state treasurer in accordance with K.S.A. 2-2464a, and amendments
43 thereto. Upon receipt of each such remittance, the state treasurer shall

1 deposit the entire amount thereof in the state treasury and 75% of such
2 amount shall be credited to the pesticide use fee fund *to be used for*
3 *carrying out the provisions of this act* and 25% of each such amount shall
4 be credited to the publications fee fund of the Kansas department of
5 agriculture.

6 Sec. 9. K.S.A. 2016 Supp. 2-2464a is hereby amended to read as
7 follows: 2-2464a. *Except as otherwise provided in K.S.A. 2-2469(d), and*
8 *amendments thereto*, the secretary shall remit all moneys received by or
9 for the secretary under this act and amendments thereto, to the state
10 treasurer in accordance with the provisions of K.S.A. 75-4215, and
11 amendments thereto. Upon receipt of each such remittance, the state
12 treasurer shall deposit the entire amount in the state treasury to the credit
13 of the pesticide use fee fund. All expenditures from the pesticide use fee
14 fund shall be made in accordance with appropriation acts upon warrants of
15 the director of accounts and reports issued pursuant to vouchers approved
16 by the secretary of agriculture or by a person or persons designated by
17 such secretary.

18 Sec. 10. K.S.A. 2016 Supp. 2-3304 is hereby amended to read as
19 follows: 2-3304. (a) Any user of the chemigation process shall register and
20 obtain a chemigation user's permit before using the process.

21 (b) Registration shall consist of making application on a form
22 supplied by the secretary. Such application shall include, but not be limited
23 to:

24 (1) The name of the persons to whom a permit is to be issued,
25 including an owner or operator of land on which chemigation is to be used;

26 (2) a plan for using anti-pollution devices;

27 (3) a plan for handling tail water or accumulations of water;

28 (4) the number and locations, including a legal description, of
29 wellheads which may be involved in the chemigation process and surface
30 water supply withdrawal points, not to include siphon tubes; and

31 (5) payment of fees.

32 (c) The application fee for a chemigation user's permit shall be \$75
33 plus \$15 for each additional point of diversion, except that on and after
34 July 1, ~~2018~~ 2025, a chemigation user's permit shall be \$55 plus \$10 for
35 each additional point of diversion. A chemigation user's permit may be
36 renewed each year upon making an application, payment of the application
37 fee and completing the report form providing information used in
38 chemigation the previous year.

39 Sec. 11. K.S.A. 2016 Supp. 2-3306 is hereby amended to read as
40 follows: 2-3306. (a) Any individual operating chemigation equipment
41 under a chemigation user permit shall be responsible for the safe operation
42 of such chemigation equipment and any such equipment shall be
43 considered to be under the direct supervision of the chemigation user

1 permit holder.

2 (b) The secretary shall not issue a chemigation user permit to any
3 person unless such person is a certified chemigation equipment operator or
4 has in such person's employment at least one certified chemigation
5 equipment operator. A chemigation equipment operator is an individual
6 who has successfully completed an examination given by the secretary or
7 the secretary's designee. Except as provided in subsection (c), if the
8 chemigation user permit is issued to an individual, that individual must
9 have successfully completed the chemigation equipment operator
10 examination. Such examination shall include, but not be limited to, the
11 following:

- 12 (1) The proper use of anti-pollution devices;
- 13 (2) preparing the chemical solution and filling the chemical supply
14 container;
- 15 (3) calibrating of injection equipment;
- 16 (4) supervision of chemigation equipment to assure its safe operation;
- 17 (5) environmental and human hazards that may be involved in
18 chemigation;
- 19 (6) protective clothing and respiratory equipment;
- 20 (7) general precautions to be followed in disposal of containers and
21 decontamination of the equipment;
- 22 (8) handling of tail water and other accumulations of water containing
23 chemicals;
- 24 (9) information of procedures to be followed should chemicals
25 inadvertently enter the water supply source as a result of the chemigation
26 process;
- 27 (10) label information, especially chemigation instructions;
- 28 (11) applicable state and federal laws and regulations; and
- 29 (12) any other subject which the secretary deems necessary.

30 (c) The examination provided for in subsection (b) may be waived for
31 any individual who has been certified as a pesticide applicator in the
32 category of chemigation pursuant to the Kansas pesticide law.

33 (d) The chemigation equipment operator certification shall expire on
34 December 31 of the fourth calendar year after the year of issue. A
35 chemigation equipment operator certification shall be renewed for a
36 succeeding five year period upon payment of the certification fee and
37 passing the examination specified in either subsection (b) or (c).

38 (e) The fee for certification as a chemigation equipment operator or
39 for renewal of such certification shall be \$25, except that on and after July
40 1, ~~2018~~ 2025, such certification shall be \$10.

41 Sec. 12. K.S.A. 2016 Supp. 2-3713 is hereby amended to read as
42 follows: 2-3713. (a) Subject to the provisions of K.S.A. 2-3712, and
43 amendments thereto, there is hereby imposed environmental assessments

1 as follows:

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

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

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

19 (4) An annual assessment to be paid by each pesticide dealer required
20 to be registered pursuant to K.S.A. 2-2469, and amendments thereto. If the
21 annual sales of pesticides from the previous year by a pesticide dealer
22 from a business location are less than \$2,500, the annual assessment shall
23 be \$5. If the annual sales of pesticides from the previous year by a
24 pesticide dealer from a business location are equal to or greater than
25 \$2,500, the annual assessment shall be \$80. Such assessment shall be paid
26 to the secretary of agriculture by the pesticide dealer at the time and in the
27 manner provided by law for payment of the dealer's registration fee.

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

34 (6) An annual assessment of \$.0005 per bushel of storage capacity of
35 each public warehouse in this state that is licensed pursuant to the United
36 States warehouse act. Such assessment shall be paid to the secretary of
37 agriculture by the licensee on or before August 31 of each year.

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

43 (b) *The secretary of agriculture may charge and collect an amount*

1 *necessary for the purposes of administering the provisions of this act.*
 2 *Such amount shall not exceed the cost for administering this act and shall*
 3 *be collected from any annual assessment imposed herein, prior to any*
 4 *other remittance by the secretary.* The secretary of agriculture shall remit
 5 to the state treasurer all *remaining* moneys collected by the secretary from
 6 assessments paid pursuant to this section *in accordance with the*
 7 *provisions of K.S.A. 75-4215, and amendments thereto.* The state treasurer
 8 shall deposit the entire amount of the remittance in the state treasury and
 9 credit it to the fund.

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

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

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

18 Sec. 13. K.S.A. 2016 Supp. 82a-303b is hereby amended to read as
 19 follows: 82a-303b. (a) (1) In order to secure conformity with adopted rules
 20 and regulations and to assure compliance with the terms, conditions or
 21 restrictions of any consent or permit granted pursuant to the provisions of
 22 K.S.A. 82a-301 through 82a-303, and amendments thereto, the chief
 23 engineer or an authorized representative of the chief engineer shall have
 24 the power and the duty to inspect any dam or other water obstruction.
 25 Upon a finding pursuant to ~~subsection (a) of K.S.A. 82a-303c(a)~~, and
 26 amendments thereto, by the chief engineer that a dam is unsafe, the chief
 27 engineer shall order an annual inspection of the dam until it is either in
 28 compliance with all applicable provisions of this act, any rules and
 29 regulations promulgated pursuant to this act, permit conditions and orders
 30 of the chief engineer; or the dam is removed. The safety inspection shall be
 31 conducted by the chief engineer or authorized representative and the cost
 32 shall be paid by the dam owner. The class and size of a dam shall be
 33 defined by rules and regulations adopted by the chief engineer pursuant to
 34 K.S.A. 82a-303a, and amendments thereto. Inspection fees are as follows:

Size of Dam	Inspection fee
<i>Class 1</i>	<i>\$1,500</i>
<i>Class 2</i>	<i>\$1,500</i>
Class 3	\$2,500
Class 4	\$4,000

40 (2) Each hazard class C dam shall be required to have a safety
 41 inspection conducted by a licensed professional engineer qualified in
 42 design, construction, maintenance and operation of dams once every three
 43 years, unless otherwise ordered by the chief engineer.

1 (3) Each hazard class B dam shall be required to have a safety
2 inspection conducted by a licensed professional engineer qualified in
3 design, construction, maintenance and operation of dams once every five
4 years unless otherwise ordered by the chief engineer.

5 (4) Within 60 days of the date of inspection, a report of the inspection
6 shall be provided to the chief engineer by the licensed professional
7 engineer who conducted the inspection. The report shall document the
8 physical condition of the dam, describing any deficiencies observed, an
9 analysis of the capacity of the dam and its spillway works, compliance of
10 the dam with approved plans and permit conditions, changes observed in
11 the condition of the dam since the previous inspection, an assessment of
12 the hazard classification of the dam including a statement that the engineer
13 either agrees or disagrees with the current classification, and any other
14 information relevant to the safety of the dam or specifically requested by
15 the chief engineer.

16 (5) Upon failure of a dam owner to comply with the applicable
17 inspection interval, the chief engineer or such chief engineer's authorized
18 representative shall conduct a mandatory inspection of the dam and the
19 costs as established by this act for the inspection shall be paid by the
20 owner, in addition to any other remedies provided for violations of this act.

21 (6) The failure to file a complete and timely report as required by the
22 provisions of this act, or the failure to submit the fees assessed for
23 inspections conducted by the chief engineer or the chief engineer's
24 authorized representative shall be deemed a violation of this act and
25 subject to the penalties provided by K.S.A. 82a-305a, and amendments
26 thereto.

27 (b) For the purpose of inspecting any dam or other water obstruction,
28 the chief engineer or an authorized representative of the chief engineer
29 shall have the right of access to private property. Costs for any work which
30 may be required by the chief engineer or the authorized representative
31 prior to or as a result of the inspection of a dam or other water obstruction
32 shall be paid by the owner, governmental agency or operator of such dam
33 or other water obstruction.

34 (c) All fees collected by the chief engineer pursuant to this section
35 shall be remitted to the state treasurer as provided in K.S.A. 2016 Supp.
36 82a-328, and amendments thereto.

37 Sec. 14. K.S.A. 2016 Supp. 82a-708a is hereby amended to read as
38 follows: 82a-708a. (a) Any person may apply for a permit to appropriate
39 water to a beneficial use, notwithstanding that the application pertains to
40 the use of water by another, or upon or in connection with the lands of
41 another. Any rights to the beneficial use of water perfected under such
42 application shall attach to the lands on or in connection with which the
43 water is used and shall remain subject to the control of the owners of the

1 lands as in other cases provided by law.

2 (b) Except as otherwise provided in subsections (d), (e) and (f), each
 3 application for a permit to appropriate water, except applications for
 4 permits for domestic use, shall be accompanied by an application fee fixed
 5 by this section for the appropriate category of acre feet in accordance with
 6 the following:

7 Acre Feet	Fee
8 0 to 100.....	\$200
9 101 to 320.....	\$300
10 More than 320.....	\$300 + \$20
	for each additional 100
	acre feet or any part thereof

13 On and after July 1, ~~2018~~ 2025, the application fee shall be fixed by
 14 this section for the appropriate category of acre feet in accordance with the
 15 following:

16 Acre Feet	Fee
17 0 to 100.....	\$100
18 101 to 320.....	\$150
19 More than 320.....	\$150 + \$10
	for each additional 100
	acre feet or any part thereof

22 The chief engineer shall render a decision on such permit applications
 23 within 150 days of receiving a complete application except when the
 24 application cannot be processed due to the standards established in K.A.R.
 25 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
 26 complete application, the application fee is subject to refund upon request.

27 (c) Except as otherwise provided in subsections (d), (e) and (f), each
 28 application for a permit to appropriate water for storage, except
 29 applications for permits for domestic use, shall be accompanied by an
 30 application fee fixed by this section for the appropriate category of
 31 storage-acre feet in accordance with the following:

32 Storage-Acre Feet	Fee
33 0 to 250.....	\$200
34 More than 250.....	\$200 + \$20
	for each additional 250
	storage-acre feet or any part thereof

37 On and after July 1, ~~2018~~ 2025, the application fee shall be fixed by
 38 this section for the appropriate category of storage-acre feet in accordance
 39 with the following:

40 Storage-Acre Feet	Fee
41 0 to 250.....	\$100
42 More than 250.....	\$100 + \$10
	for each additional 250

43

1 storage-acre feet or any part thereof

2 The chief engineer shall render a decision on such permit applications
3 within 150 days of receiving a complete application except when the
4 application cannot be processed due to the standards established in K.A.R.
5 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
6 complete application, the application fee is subject to refund upon request.

7 (d) Each application for a term permit pursuant to K.S.A. 2016 Supp.
8 82a-736, and amendments thereto, shall be accompanied by an application
9 fee established by rules and regulations of the chief engineer in an amount
10 not to exceed \$400 for the five-year period covered by the permit.

11 (e) For any application for a permit to appropriate water, except
12 applications for permits for domestic use, which proposes to appropriate
13 by both direct flow and storage, the fee charged shall be the fee under
14 subsection (b) or subsection (c), whichever is larger, but not both fees.

15 (f) Each application for a permit to appropriate water for water power
16 or dewatering purposes shall be accompanied by an application fee of
17 \$100 plus \$200 for each 100 cubic feet per second, or part thereof, of the
18 diversion rate requested in the application for the proposed project.

19 (g) All fees collected by the chief engineer pursuant to this section
20 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
21 amendments thereto.

22 Sec. 15. K.S.A. 2016 Supp. 82a-708b is hereby amended to read as
23 follows: 82a-708b. (a) Any owner of a water right may change the place of
24 use, the point of diversion or the use made of the water, without losing
25 priority of right, provided such owner shall: (1) Apply in writing to the
26 chief engineer for approval of any proposed change; (2) demonstrate to the
27 chief engineer that any proposed change is reasonable and will not impair
28 existing rights; (3) demonstrate to the chief engineer that any proposed
29 change relates to the same local source of supply as that to which the water
30 right relates; and (4) receive the approval of the chief engineer with
31 respect to any proposed change. The chief engineer shall approve or reject
32 the application for change in accordance with the provisions and
33 procedures prescribed for processing original applications for permission
34 to appropriate water. If the chief engineer disapproves the application for
35 change, the rights, priorities and duties of the applicant shall remain
36 unchanged. Any person aggrieved by an order or decision by the chief
37 engineer relating to an application for change may petition for review
38 thereof in accordance with the provisions of K.S.A. 2016 Supp. 82a-1901,
39 and amendments thereto.

40 (b) Each application to change the place of use, the point of diversion
41 or the use made of the water under this section shall be accompanied by
42 the application fee set forth in the schedule below:

43 (1) Application to change a point of diversion 300

- 1 feet or less.....\$100
- 2 (2) Application to change a point of diversion more
- 3 than 300 feet..... 200
- 4 (3) Application to change the place of use..... 200
- 5 (4) Application to change the use made of water..... 300

6 On and after July 1, ~~2018~~ 2025, the application fee shall be set forth in
7 the schedule below:

- 8 (1) Application to change a point of diversion 300
- 9 feet or less..... \$50
- 10 (2) Application to change a point of diversion more
- 11 than 300 feet..... 100
- 12 (3) Application to change the place of use..... 100
- 13 (4) Application to change the use made of the water..... 150

14 The chief engineer shall render a decision on such permit applications
15 within 150 days of receiving a complete application except when the
16 application cannot be processed due to the standards established in K.A.R.
17 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
18 complete application, the application fee is subject to refund upon request.

19 (c) All fees collected by the chief engineer pursuant to this section
20 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
21 amendments thereto.

22 Sec. 16. K.S.A. 2016 Supp. 82a-708c is hereby amended to read as
23 follows: 82a-708c. (a) A term permit is a permit to appropriate water for a
24 limited specified period of time in excess of six months. At the end of the
25 specified time, or any authorized extension approved by the chief engineer,
26 the permit shall be automatically dismissed, and any priority it may have
27 had shall be forfeited. No water right shall be perfected pursuant to a term
28 permit.

29 (b) Each application for a term permit to appropriate water shall be
30 made on a form prescribed by the chief engineer and shall be accompanied
31 by an application fee fixed by this section for the appropriate category of
32 acre feet in accordance with the following:

Acre Feet	Fee
34 0 to 100.....	\$200
35 101 to 320.....	\$300
36 More than 320.....	\$300 + \$20
	for each additional 100
	acre feet or any part thereof

39 On and after July 1, ~~2018~~ 2025, the application fee shall be set forth in
40 the schedule below:

Acre Feet	Fee
42 0 to 100.....	\$100
43 101 to 320.....	\$100

1 More than 320..... \$150 + \$10
 2 for each additional 100
 3 acre feet or any part thereof

4 The chief engineer shall render a decision on such term permit
 5 applications within 150 days of receiving a complete application except
 6 when the application cannot be processed due to the standards established
 7 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of
 8 receipt of a complete application, the application fee is subject to refund
 9 upon request.

10 (c) Each application for a term permit to appropriate water for
 11 storage, except applications for permits for domestic use, shall be
 12 accompanied by an application fee fixed by this section for the appropriate
 13 category of storage-acre feet in accordance with the following:

14 Storage-Acre Feet	Fee
15 0 to 250.....	\$200
16 More than 250.....	\$200 + \$20
17	for each additional 250
18	acre feet or any part thereof

19 On and after July 1, ~~2018~~ 2025, the application fee shall be set forth in
 20 the schedule below:

21 Storage-Acre Feet	Fee
22 0 to 250.....	\$100
23 More than 250.....	\$100 + \$10
24	for each additional 250
25	acre feet or any part thereof

26 The chief engineer shall render a decision on such term permit
 27 applications within 150 days of receiving a complete application except
 28 when the application cannot be processed due to the standards established
 29 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of
 30 receipt of a complete application, the application fee is subject to refund
 31 upon request.

32 (d) Each application for a term permit pursuant to K.S.A. 2016 Supp.
 33 82a-736, and amendments thereto, shall be accompanied by an application
 34 fee established by rules and regulations adopted by the chief engineer in an
 35 amount not to exceed \$400 for the five-year period covered by the permit.

36 (e) Notwithstanding the provisions of K.S.A. 82a-714, and
 37 amendments thereto, the applicant is not required to file a notice of
 38 completion of diversion works nor pay a field inspection fee. The chief
 39 engineer shall not conduct a field inspection of the diversion works
 40 required by statute for purposes of certification nor issue a certificate of
 41 appropriation for a term permit.

42 (f) A request to extend the term of a term permit in accordance with
 43 the rules and regulations adopted by the chief engineer shall be

1 accompanied by the same filing fee applicable to other requests for
2 extensions of time as set forth in K.S.A. 82a-714, and amendments thereto.

3 (g) An application to change the place of use, point of diversion, use
4 made of water, or any combination thereof, pursuant to K.S.A. 82a-708b,
5 and amendments thereto, shall not be approved for a term permit, except
6 as provided in K.S.A. 82a-736, and amendments thereto.

7 (h) The chief engineer shall adopt rules and regulations to effectuate
8 and administer the provisions of this section.

9 Sec. 17. K.S.A. 2016 Supp. 82a-714 is hereby amended to read as
10 follows: 82a-714. (a) Upon the completion of the construction of the
11 works and the actual application of water to the proposed beneficial use
12 within the time allowed, the applicant shall notify the chief engineer to that
13 effect. The chief engineer or the chief engineer's duly authorized
14 representative shall then examine and inspect the appropriation diversion
15 works and, if it is determined that the appropriation diversion works have
16 been completed and the appropriation right perfected in conformity with
17 the approved application and plans, the chief engineer shall issue a
18 certificate of appropriation in duplicate. The original of such certificate
19 shall be sent to the owner and shall be recorded with the register of deeds
20 in the county or counties wherein the point of diversion is located, as are
21 other instruments affecting real estate, and the duplicate shall be made a
22 matter of record in the office of the chief engineer.

23 (b) Not later than 60 days before the expiration of the time allowed in
24 the permit to complete the construction of the appropriation diversion
25 works or the time allowed in the permit to actually apply water to the
26 proposed beneficial use, the chief engineer shall notify the permit holder
27 by certified mail that any request for extension of such time must be filed
28 with the chief engineer before the expiration of the time allowed in the
29 permit.

30 (c) Unless the applicant requests an extension or the certificate has
31 not been issued due to the applicant's failure to comply with reasonable
32 requests for information or to allow the opportunity to examine and inspect
33 the appropriation diversion works, as necessary for certification, the chief
34 engineer shall certify an appropriation:

35 (1) Before July 1, 2004, if the time allowed in the permit to perfect
36 the water right expired before July 1, 1999, except in those cases in which
37 abandonment proceedings pursuant to K.S.A. 82a-718, and amendments
38 thereto, are pending on July 1, 2004;

39 (2) before July 1, 2006, in such cases in which an abandonment
40 proceeding was pending pursuant to K.S.A. 82a-718, and amendments
41 thereto, on July 1, 2004; or

42 (3) not later than five years after the date the applicant notifies the
43 chief engineer of the completion of construction of the works and the

1 actual application of water to the proposed beneficial use within the time
2 allowed, in all other cases.

3 If the chief engineer fails to issue a certificate within the time provided
4 by this subsection, the applicant may request review, pursuant to K.S.A.
5 2016 Supp. 82a-1901, and amendments thereto, of the chief engineer's
6 failure to act.

7 (d) Except for works constructed to appropriate water for domestic
8 use, each notification to the chief engineer under subsection (a) shall be
9 accompanied by a field inspection fee of \$400, or on and after July 1, ~~2018~~
10 2025, a fee of \$200, except that for applications filed on or after July 1,
11 2009, for works constructed for sediment control use and for evaporation
12 from a groundwater pit for industrial use shall be accompanied by a field
13 inspection fee of \$200. Failure to pay the field inspection fee, after
14 reasonable notice by the chief engineer of such failure, shall result in the
15 permit to appropriate water being revoked, forfeiture of the priority date
16 and revocation of any appropriation right that may exist.

17 (e) A request for an extension of time to: (1) Complete the diversion
18 works; or (2) perfect the water right, shall be accompanied by a fee of \$50,
19 or commencing July 1, 2002, and ending June 30, ~~2018~~ 2025, a fee of
20 \$100.

21 (f) A request to reinstate a water right or a permit to appropriate water
22 which has been dismissed shall be filed with the chief engineer within 60
23 days of the date dismissed and shall be accompanied by a fee of \$100, or
24 commencing July 1, 2002, and ending June 30, ~~2018~~ 2025, a fee of \$200.

25 (g) All fees collected by the chief engineer pursuant to this section
26 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
27 amendments thereto.

28 Sec. 18. K.S.A. 2016 Supp. 82a-727 is hereby amended to read as
29 follows: 82a-727. (a) Subject to existing water rights and the principle of
30 beneficial use, the chief engineer may grant upon application made
31 therefor temporary permits and extensions thereof to appropriate water in
32 any case where the public interest in such water will not be unreasonably
33 or prejudicially affected, except that the chief engineer shall not grant any
34 such permit to appropriate fresh water in any case where other waters are
35 available for the proposed use and the use thereof is technologically and
36 economically feasible. No such temporary permit or any extension thereof
37 shall be granted for a period of time in excess of six months. Each
38 application submitted for a temporary permit or extension thereof shall be
39 accompanied by an application fee of \$200, or on and after July 1, ~~2018~~
40 2025, a fee of \$100.

41 (b) The chief engineer shall adopt rules and regulations to effectuate
42 and administer the provisions of this section.

43 (c) Nothing in this section shall be deemed to vest in the holder of

1 any permit granted pursuant to provisions of this section any permanent
2 right to appropriate water except as is provided by such permit.

3 (d) All fees collected by the chief engineer pursuant to this section
4 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
5 amendments thereto.

6 Sec. 19. K.S.A. 2016 Supp. 2-1205, 2-2204, 2-2212, 2-2440, 2-
7 2440b, 2-2443a, 2-2445a, 2-2464a, 2-2469, 2-3304, 2-3306, 82a-303b,
8 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 are hereby repealed.

9 Sec. 20. This act shall take effect and be in force from and after its
10 publication in the statute book.