

SENATE BILL No. 152

By Committee on Agriculture and Natural Resources

2-12

1 AN ACT concerning the department of health and environment; relating to
2 fees; underground injection control program; water well license and
3 construction program; amending K.S.A. 65-166b, 65-171d and 65-4514
4 and K.S.A. 2018 Supp. 82a-1206 and repealing the existing sections.
5

65-4513

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

7 Section 1. K.S.A. 65-166b is hereby amended to read as follows: 65-
8 166b. (a) There is hereby created in the state treasury the water program
9 management fund. The secretary shall remit to the state treasurer, in
10 accordance with the provisions of K.S.A. 75-4215, and amendments
11 thereto, all moneys collected or received by the secretary from the
12 following sources:

13 (1) Water pollution control permit system fees imposed pursuant to
14 K.S.A. 65-166a, and amendments thereto;

15 (2) *water well contractor application and license fees imposed
16 pursuant to K.S.A. 82a-1206, and amendments thereto;*

17 (3) *class 1 underground injection control well permitting, monitoring,
18 testing, inspection and regulation fees pursuant to K.S.A. 65-171d(p), and
19 amendments thereto;*

20 (4) *water supply system and wastewater treatment facility fees
21 pursuant to K.S.A. 65-4513, and amendments thereto;*

22 (5) interest attributable to investment of moneys in the water program
23 management fund;

24 ~~(3)(6)~~ gifts, grants, reimbursements or appropriations intended to be
25 used for the purposes of the fund, but excluding federal grants and
26 cooperative agreements; and

27 ~~(4)(7)~~ any other moneys provided by law.

28 Upon receipt of each such remittance, the state treasurer shall deposit in
29 the state treasury any amount remitted pursuant to this subsection to the
30 credit of the water program management fund.

31 (b) Moneys in the water program management fund shall be
32 expended for the following purposes:

33 (1) Monitoring and investigating the quality of waters of the state;

34 (2) payment of the state's share of the clean water act matching costs,
35 as required by the federal clean water act, 33 U.S.C. § 1256(d);

36 (3) payment for emergency action by the secretary as necessary or

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1 habitable structure prior to the expansion and the animal unit capacity of
2 the facility after expansion does not exceed 2,000.

3 (3) The separation distances required pursuant to subsections (j)(2)
4 (C) and (D) and (h)(3) shall not apply to the following, as determined in
5 accordance with ~~subsections~~ K.S.A. 65-1,178(a), (e) and (f), and
6 amendments thereto:

7 (A) Expansion of an existing confined feeding facility for swine if an
8 application for such expansion has been received by the department before
9 March 1, 1998; and

10 (B) construction of a new confined feeding facility for swine if an
11 application for such facility has been received by the department before
12 March 1, 1998.

13 (m) The separation distances required by this section for confined
14 feeding facilities for swine shall be determined from the exterior perimeter
15 of any buildings utilized for housing swine, any lots containing swine, any
16 swine waste retention lagoons or ponds or other manure or wastewater
17 storage structures and any additional areas designated by the registrant for
18 future expansion. Such separation distances shall not apply to offices,
19 dwellings and feed production facilities of a confined feeding facility for
20 swine.

21 (n) The registrant shall give the notice required by subsections (k)(2)
22 (B) and (C) by certified mail, return receipt requested, to all owners of
23 habitable structures within the separation distance. The registrant shall
24 submit to the department evidence, satisfactory to the department, that
25 such notice has been given.

26 (o) All plans and specifications submitted to the department for new
27 construction or new expansion of confined feeding facilities may be, but
28 are not required to be, prepared by a professional engineer or a consultant,
29 as approved by the department. Before approval by the department, any
30 consultant preparing such plans and specifications shall submit to the
31 department evidence, satisfactory to the department, of adequate general
32 commercial liability insurance coverage.

33 (p) *The secretary shall adopt rules and regulations to establish fees
34 for permitting, monitoring, testing, inspecting and regulating class 1
35 underground injection control wells. The secretary shall remit all moneys
36 collected from such fees to the state treasurer in accordance with the
37 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
38 each such remittance, the state treasurer shall deposit the entire amount in
39 the state treasury to the credit of the water program management fund
40 established pursuant to K.S.A. 65-166b, and amendments thereto.*

41 Sec. 3. K.S.A. 65-4514 is hereby amended to read as follows: 65-
42 4514. (a) The secretary shall remit all moneys received by or for the
43 secretary from fees, charges or penalties to the state treasurer in

, but in no case shall such fees exceed \$4,000

Sec. 3. K.S.A. 65-4513 is hereby amended to read as follows: 65-4513. The secretary shall establish a reasonable schedule of fees, but in no case shall an individual operator fee exceed ~~twenty-five dollars (\$25)~~ in any one year ~~\$125~~.

Renumber Sections Accordingly

1 accordance with the provisions of K.S.A. 75-4215, and amendments
2 thereto. Upon receipt of each such remittance, the state treasurer shall
3 deposit the entire amount in the state treasury to the credit of the ~~state-~~
4 ~~general fund water program management fund established pursuant to~~
5 ~~K.S.A. 65-166b, and amendments thereto.~~

6 (b) On July 1, 1983, the director of accounts and reports shall transfer
7 all moneys in the certification of operators of water supply systems and
8 wastewater treatment facilities fee fund to the state general fund. All
9 liabilities of the certification of operators of water supply systems and
10 wastewater treatment facilities fee fund are hereby transferred to and
11 imposed upon the state general fund. The certification of operators of
12 water supply systems and wastewater treatment facilities fee fund is
13 hereby abolished.

14 Sec. 4. K.S.A. 2018 Supp. 82a-1206 is hereby amended to read as
15 follows: 82a-1206. (a) Every well contractor desiring to engage in the
16 business of constructing, reconstructing or treating water wells in this state
17 shall make initial application for a license to the secretary. Every
18 contractor making such application shall set out such information as may
19 be required upon forms to be adopted and furnished by the secretary. The
20 secretary shall charge an application fee as established by rules and
21 regulations for the filing of such initial application by a contractor, and the
22 secretary shall not act upon any application until such application fee has
23 been paid.

24 (b) All application fees and license fees collected hereunder shall be
25 remitted to the state treasurer in accordance with the provisions of K.S.A.
26 75-4215, and amendments thereto. Upon receipt of each such remittance,
27 the state treasurer shall deposit the entire amount in the state treasury to
28 the credit of the ~~state general fund. On July 1, 1983, the director of~~
29 ~~accounts and reports shall transfer all moneys in the water well contractors~~
30 ~~licensing fund to the state general fund. All liabilities of the water well~~
31 ~~contractors licensing fund are hereby transferred to and imposed upon the~~
32 ~~state general fund. The water well contractors licensing fund is hereby~~
33 ~~abolished water program management fund established pursuant to K.S.A.~~
34 ~~65-166(b), and amendments thereto.~~

35 (c) A license to construct water wells shall be issued to any applicant
36 if, under the standards set forth in K.S.A. 82a-1207, and amendments
37 thereto, the secretary shall determine such applicant is qualified to conduct
38 water well construction operations. In the granting of such licenses due
39 regard shall be given to the interest of the state of Kansas in the protection
40 of its underground water resources. Application fees paid hereunder shall
41 be retained by the secretary whether such initial license is issued or denied,
42 but if denied, the license fee shall be refunded.

43 (d) Applicants for licenses hereunder who are engaged in business as

1 water well contractors in this state, if incorporated, shall submit evidence
2 of current good standing with the registration requirements for
3 corporations of the secretary of state.
4 Sec. 5. K.S.A. 65-166b, 65-171d and 65-4514 and K.S.A. 2018 Supp.
5 82a-1206 are hereby repealed.
6 Sec. 6. This act shall take effect and be in force from and after its
7 publication in the statute book.

(d) No fees assessed pursuant to this section shall exceed \$100.
. 65-4513