

HOUSE BILL No. 2001

By Representative Hoffman

12-6

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

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

9 Section 1. K.S.A. 2-3712 is hereby amended to read as follows: 2-
10 3712. (a) ~~Whenever on April 1 of any year~~ If the unobligated principal
11 balance of the *Kansas agricultural remediation fund* equals or exceeds
12 ~~\$5,000,000~~, ~~\$3,000,000~~ *on April 1 of any year*, the assessments imposed
13 by K.S.A. 2-3713, and amendments thereto, shall not be levied on or after
14 the next July 1. ~~Whenever on April 1 of any year thereafter~~ If the
15 unobligated principal balance of the fund equals ~~\$1,500,000~~ *\$1,000,000* or
16 less; *on April 1 of any following year*, the assessments imposed by K.S.A.
17 2-3713, and amendments thereto, shall again be levied on and after the
18 next July 1.

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

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

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

34 (2) An annual assessment of ~~\$20~~ *\$40* for each commercial fertilizer
35 required to be registered pursuant to K.S.A. 2-1202, and amendments
36 thereto. Such assessment shall be paid to the secretary of agriculture by the

1 applicant for registration at the time and in the manner provided by law for
2 payment of the registration fee for the commercial fertilizer.

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

10 (4) An annual assessment to be paid by each pesticide dealer required
11 to be registered pursuant to K.S.A. 2-2469, and amendments thereto. If the
12 annual sales of pesticides from the previous year by a pesticide dealer
13 from a business location are less than \$2,500, the annual assessment shall
14 be \$5. If the annual sales of pesticides from the previous year by a
15 pesticide dealer from a business location are equal to or greater than
16 \$2,500, the annual assessment shall be \$80. Such assessment shall be paid
17 to the secretary of agriculture by the pesticide dealer at the time and in the
18 manner provided by law for payment of the dealer's registration fee.

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

25 (6) An annual assessment of ~~\$.0005~~ \$.00025 per bushel of storage
26 capacity of each public warehouse in this state that is licensed pursuant to
27 the United States warehouse act. Such assessment shall be paid to the
28 secretary of agriculture by the licensee on or before August 31 of each
29 year.

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

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

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

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

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

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

8 Sec. 4. K.S.A. 2-3712 and K.S.A. 2018 Supp. 2-3713 and 2-3714 are
9 hereby repealed.

10 Sec. 5. This act shall take effect and be in force from and after its
11 publication in the statute book.