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

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

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

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

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

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

(1) Except as provided in paragraph (2), for an eligible person who has paid all applicable assessments imposed pursuant to K.S.A. 2-3713, and amendments thereto, reimbursement per site shall not exceed an amount equal to: (A) 90% of total eligible corrective action costs greater than $1,000 and less than or equal to $100,000; plus (B) 80% of total eligible corrective action costs greater than $100,000 and less than or equal to $200,000 $300,000. The total amount reimbursed for any one site shall not exceed $200,000 within a five year period or as otherwise set forth by the board $300,000, except that the Kansas agricultural remediation board may, pursuant to rules and regulations, unless set forth a different amount that is less than or equal to $300,000. If the property has been sold or leased and both the buyer and the seller or the lessee and the lessor are responsible for remediation, in which case then the total amount reimbursed for any such site shall not exceed $400,000 within a
five-year period or as otherwise set forth by the board $600,000, except
that the Kansas agricultural remediation board may, pursuant to rules and
regulations, set forth a different amount that is less than or equal to
$600,000.
(2) For an eligible person who is not required to pay or has not paid
any assessment imposed pursuant to K.S.A. 2-3713, and amendments
thereto, or for a pesticide dealer who has paid the annual $5 assessment
pursuant to K.S.A. 2-3713(a)(4), and amendments thereto, reimbursement
per site shall not exceed an amount equal to 100% of total eligible
corrective action costs greater than $1,000 and less than or equal to
$10,000.
Sec. 2. K.S.A. 2-3710 is hereby amended to read as follows: 2-3710.
The Kansas agricultural remediation board shall have the following
powers, duties and functions:
(a) Administer the fund and the remediation reimbursement program.
(b) Subject to K.S.A. 2-3701 through 2-3714, and amendments
thereto, adopt rules and regulations concerning the terms and conditions of
any reimbursements from the fund.
(c) Adopt rules and regulations establishing, for purposes of the
remediation linked deposit loan program and the remediation
reimbursement program, criteria for classification and prioritization of
properties where contamination was caused by a release of agricultural or
specialty chemicals, or both. Classification and prioritization may account
for the criteria contained in Kansas department of health and
environment's voluntary clean up and property redevelopment program
and state cooperator program.
(d) Establish operating standards and procedures which shall
include, but not be limited to, the following:
(1) With respect to the remediation linked deposit loan program,
provisions governing board approval of projects for which applications for
loans may be made;
(2) with respect to the remediation reimbursement program,
provisions governing application procedures, determination of eligible
corrective action costs, determination of ineligible corrective costs and
reimbursement or payment of eligible corrective action costs; and
(3) with respect to both programs, provisions governing conflicts of
interest, appeals procedures, review and priority determinations and
enforcement of the provisions of K.S.A. 2-3701 through 2-3714, and
amendments thereto.
(e) Appoint or contract for qualified administrative services subject to
the limitation that expenditures from the fund for the administrative
depenses of the board and the programs established by K.S.A. 2-3701
through 2-3714, and amendments thereto, shall not exceed $150,000.
$175,000 in any fiscal year.

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

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

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

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