

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.

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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, reimbursement per site shall not exceed an
26 amount equal to: (A) 90% of total eligible corrective action costs greater
27 than \$1,000 and less than or equal to \$100,000; plus (B) 80% of total
28 eligible corrective action costs greater than \$100,000 and less than or
29 equal to ~~\$200,000~~ \$300,000. The total amount reimbursed for any one site
30 shall not exceed ~~\$200,000 within a five-year period or as otherwise set~~
31 ~~forth by the board~~ \$300,000, *except that the Kansas agricultural*
32 *remediation board may*, pursuant to rules and regulations, ~~unless set forth~~
33 *a different amount that is less than or equal to \$300,000. If the property*
34 *has been sold or leased and both the buyer and the seller or the lessee and*
35 *the lessor are responsible for remediation, in which case then the total*
36 *amount reimbursed for any such site shall not exceed \$400,000 within a*

1 ~~five-year period or as otherwise set forth by the board~~ \$600,000, except
2 ~~that the Kansas agricultural remediation board may, pursuant to rules and~~
3 ~~regulations, set forth a different amount that is less than or equal to~~
4 ~~\$600,000.~~

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

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

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

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

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

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

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

32 (2) with respect to the remediation reimbursement program,
33 provisions governing application procedures, determination of eligible
34 corrective action costs, determination of ineligible corrective costs and
35 reimbursement or payment of eligible corrective action costs; and

36 (3) with respect to both programs, provisions governing conflicts of
37 interest, appeals procedures, review and priority determinations and
38 enforcement of the provisions of K.S.A. 2-3701 through 2-3714, and
39 amendments thereto.

40 (e) Appoint or contract for qualified administrative services subject to
41 the limitation that expenditures from the fund for the administrative
42 expenses of the board and the programs established by K.S.A. 2-3701
43 through 2-3714, and amendments thereto, shall not exceed ~~\$150,000~~

1 \$175,000 in any fiscal year.

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

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

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

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