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SENATE BILL No. 60

By Committee on Agriculture and Natural Resources

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.
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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

Pyle's amendment 60

Proposed Amendments to SB 61
Senate Agriculture & Natural Resources
February 15, 2017
Remove Class 1 and 2 Dam Fees
Prepared by: Tamera Lawrence
Office of Revisor of Statutes

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 (e) of K.S.A. 82a-303(c), 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 |
|-------------|----------------|
| Class 1 | \$1,500 |
| Class 2 | \$1,500 |
| Class 3 | \$2,500 |
| Class 4 | \$4,000 |

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 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 of 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 ~~(g) 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 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.